

S. Hrg. 111-607

DEPLOYED FEDERAL CIVILIANS: ADVANCING SECURITY AND OPPORTUNITY IN AFGHANISTAN

HEARING

BEFORE THE

OVERSIGHT OF GOVERNMENT MANAGEMENT,
THE FEDERAL WORKFORCE, AND THE
DISTRICT OF COLUMBIA SUBCOMMITTEE

OF THE

COMMITTEE ON
HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

ONE HUNDRED ELEVENTH CONGRESS

SECOND SESSION

APRIL 14, 2010

Available via <http://www.gpoaccess.gov/congress/index.html>

Printed for the use of the Committee on Homeland Security
and Governmental Affairs



U.S. GOVERNMENT PRINTING OFFICE

57-324 PDF

WASHINGTON : 2010

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512-1800; DC area (202) 512-1800
Fax: (202) 512-2250 Mail: Stop SSOP, Washington, DC 20402-0001

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

JOSEPH I. LIEBERMAN, Connecticut, *Chairman*

CARL LEVIN, Michigan	SUSAN M. COLLINS, Maine
DANIEL K. AKAKA, Hawaii	TOM COBURN, Oklahoma
THOMAS R. CARPER, Delaware	SCOTT P. BROWN, Massachusetts
MARK L. PRYOR, Arkansas	JOHN MCCAIN, Arizona
MARY L. LANDRIEU, Louisiana	GEORGE V. VOINOVICH, Ohio
CLAIRE McCASKILL, Missouri	JOHN ENSIGN, Nevada
JON TESTER, Montana	LINDSEY GRAHAM, South Carolina
ROLAND W. BURRIS, Illinois	
EDWARD E. KAUFMAN, Delaware	

MICHAEL L. ALEXANDER, *Staff Director*

BRANDON L. MILHORN, *Minority Staff Director and Chief Counsel*

TRINA DRIESSNACK TYRER, *Chief Clerk*

OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL
WORKFORCE, AND THE DISTRICT OF COLUMBIA SUBCOMMITTEE

DANIEL K. AKAKA, Hawaii, *Chairman*

CARL LEVIN, Michigan	GEORGE V. VOINOVICH, Ohio
MARY L. LANDRIEU, Louisiana	SCOTT P. BROWN, Massachusetts
ROLAND W. BURRIS, Illinois	LINDSEY GRAHAM, South Carolina
EDWARD E. KAUFMAN, Delaware	

LISA M. POWELL, *Staff Director*

JOEL C. SPANGENBERG, *Deputy Staff Director*

JENNIFER A. HEMINGWAY, *Minority Staff Director*

SEAN M. STIFF, *Minority Professional Staff Member*

AARON H. WOOLF, *Chief Clerk*

CONTENTS

Opening statements:	Page
Senator Akaka	1
Senator Kaufman	13

WITNESSES

WEDNESDAY, APRIL 14, 2010

Hon. John Berry, Director, U.S. Office of Personnel Management	3
Ambassador Patrick Kennedy, Under Secretary for Management, U.S. Department of State	5
Hon. Clifford Stanley, Under Secretary for Personnel and Readiness, U.S. Department of Defense	7
Janet St. Laurent, Managing Director, Defense Capabilities and Management, U.S. Government Accountability Office	8

ALPHABETICAL LIST OF WITNESSES

Berry, Hon. John:	
Testimony	3
Prepared statement	29
Kennedy, Ambassador Patrick:	
Testimony	5
Prepared statement	34
Stanley, Hon. Clifford:	
Testimony	7
Prepared statement	40
St. Laurent, Janet:	
Testimony	8
Prepared statement	62

APPENDIX

Background	79
Responses to questions submitted for the Record:	
Mr. Berry	88
Ambassador Kennedy	90
Dr. Stanley	99

DEPLOYED FEDERAL CIVILIANS: ADVANCING SECURITY AND OPPORTUNITY IN AFGHANISTAN

WEDNESDAY, APRIL 14, 2010

U.S. SENATE,
SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT
MANAGEMENT, THE FEDERAL WORKFORCE,
AND THE DISTRICT OF COLUMBIA,
OF THE COMMITTEE ON HOMELAND SECURITY
AND GOVERNMENTAL AFFAIRS,
Washington, DC.

The Subcommittee met, pursuant to notice, at 2:34 p.m., in room 342, Dirksen Senate Office Building, Hon. Daniel K. Akaka, Chairman of the Subcommittee, presiding.

Present: Senators Akaka and Kaufman.

OPENING STATEMENT OF SENATOR AKAKA

Senator AKAKA. I call this hearing of the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia to order.

I want to welcome our witnesses and thank you so much for being here today. I have heard from so many people and I was really surprised at the interest there is in the subject of the hearing today, and so I am so glad to have all of you here this afternoon.

Today's hearing, "Deployed Federal Civilians: Advancing Security and Opportunity in Afghanistan," will review the readiness of and support for Federal employees who serve our Nation overseas.

I know that civilians serving in harm's way proudly answer the call of duty and are motivated by a strong sense of patriotism. We must ensure that they have the training and support that they need.

Under President Obama's strategy for Afghanistan, as the United States works to destroy al-Qaeda, the Nation also is working to build the capacity of the Afghan government and bring new opportunities to its people. The sharp increase in Federal civilian employees in Afghanistan is supporting this effort. Secretary of State Hillary Rodham Clinton has testified that almost 1,000 civilians would be in Afghanistan by early 2010. A further increase of 20 to 30 percent is expected by the end of this year. In addition, nearly 1,600 civilians are deployed there in support of the Department of Defense's operations.

Civilians are essential to carrying out the mission in Afghanistan. The long-term efforts to improve governance, promote eco-

conomic development, and fight corruption and the narcotics trade are necessary to the success of the military's mission of providing security and combating terrorism. The State Department expects our civilians to continue their work with the Afghan government and people after the departure of our combat troops.

The State Department and the Defense Department (DOD) have begun focusing greater attention on civilian readiness for operations in combat zones. DOD has developed comprehensive pre-deployment training for its civilian personnel who serve in Afghanistan under the authority of United States Central Command (USCENTCOM). Likewise, the State Department has required courses for personnel from the State Department as well as other Federal agencies who will serve under the Ambassador's authority. This includes hands-on operational training where persons of Afghan background orient trainees to Afghan customs and where civilians get a feel of the environment they will face in Afghanistan.

Military personnel also participate in the training to educate civilians on the combined civilian-military efforts in Afghanistan. I am pleased that DOD and the State Department have made training a priority and are committed to ensuring that civilian employees are ready for the challenges they will face.

We also must support the civilians during and after their service. In June 2009, the Government Accountability Office (GAO) reviewed the compensation and benefits for civilians serving in combat zones. GAO found that agencies should work to ensure that compensation and benefits are appropriate and comparable among civilians, that deployed civilians receive all of the medical benefits and compensation to which they are entitled, and that agencies maintain sufficient data to inform civilians about emerging health issues that might affect them.

GAO's primary recommendation was for Office of Personnel and Management (OPM) to lead an interagency effort to address pay and benefit differences. I am eager to hear more about the progress made since GAO issued its report, especially in assisting civilians in receiving the medical support that they need.

In my role as Chairman of the Veterans Affairs Committee, I have been very concerned about the invisible wounds of war, including traumatic brain injury and post-traumatic stress disorder (PTSD). Many civilians are exposed to the same hazards our military personnel face while deployed to areas of conflict. I believe that all Federal civilians need to be screened properly for these wounds upon their return and provided the benefits to which they are entitled.

I understand that OPM, working with the State Department, DOD, and other Federal agencies, has developed a legislative proposal to ensure that pay and benefits are more consistent for deployed civilians, which I hope to learn more about.

I look forward to hearing from our witnesses today.

I want to again welcome our panel of witnesses to the Subcommittee today: Hon. John Berry, the Director of the Office of Personnel Management; Ambassador Patrick Kennedy, the Under Secretary of State for Management; Hon. Clifford Stanley, the Under Secretary of Defense for Personnel and Readiness; and

Janet St. Laurent, the Managing Director of Defense Capabilities and Management at the Government Accountability Office.

As you all know, it is the custom of this Subcommittee to swear in all witnesses, so I would ask all of you to please stand and raise your right hand.

Do you swear that the testimony you are about to give before this Subcommittee is the truth, the whole truth, and nothing but the truth, so help you, God?

Mr. BERRY. I do.

Ambassador KENNEDY. I do.

Dr. STANLEY. I do.

Ms. ST. LAURENT. I do.

Senator AKAKA. Thank you. Let it be noted in the record that the witnesses answered in the affirmative.

Before we start, I want you to know that your full statements will be part of the record, and I would also like to remind you to please limit your oral remarks to 5 minutes. We have looked at your written statements and look forward to working together with you on some of the issues.

Director Berry, will you please proceed with your statement?

**TESTIMONY OF HON. JOHN BERRY,¹ DIRECTOR, U.S. OFFICE
OF PERSONNEL MANAGEMENT**

Mr. BERRY. Mr. Chairman, it is always an honor and a pleasure to be back here with you, and I send you much aloha from your friends at the Office of Personnel Management. We appreciate the opportunity to testify before you today on deployed Federal civilian employees in areas of armed conflict. We have all been working very hard on this issue and we look forward to sharing with you the results of our effort.

At any one time, there are approximately 6,100 Federal civilian employees that are deployed to areas of armed conflict, working directly in support of our warfighters. Providing consistent, comprehensive, and competitive benefits must be part of our overall effort to support our troops and our mission in Iraq, Afghanistan, as well as other combat areas.

As you know, Mr. Chairman, GAO recommended that all of us come together through an interagency process to find a solution to some of the inconsistent compensation and benefit issues that have plagued civil servants in combat zones for years. Following that recommendation, OPM chaired a working group with the Departments of Defense, State, and Labor, and we are very pleased to say that we have developed a joint legislative proposal that has cleared the Office of Management and Budget, and after a few final tweaks, we will be sending up very shortly to the Subcommittee that will, we believe, iron out many of these inconsistencies.

We appreciate very much the contributions and hard work of our partners and staff, and I want to thank all of them for their diligence and leadership, especially Secretary Kennedy and Secretary Stanley. They have just been outstanding to work with, as well as our colleagues at the Labor Department. Our proposal has cleared

¹ The prepared statement of Mr. Berry appears in the Appendix on page 29.

the interagency review process and we will be getting it to you as soon as possible.

One of the biggest issues we faced in convening the working group was that the compensation and benefits available to Federal employees in combat areas were temporary and inconsistent. Our goal was to change that. This led us to a central recommendation in the proposal to convert temporary legislation for a higher premium pay cap, waiver of the aggregate pay cap, and use of certain Foreign Service Act provisions into permanent legislation.

We further recommend providing locality pay to civilians serving in Iraq, Afghanistan, and other zones of armed conflict. Locality pay would apply to employees on temporary duty as well as permanent assignment. D.C. locality pay would be the floor, with employees on temporary duty being able to receive higher locality pay if their current locality pay should exceed D.C.'s. So, for example, San Francisco is higher, Mr. Chairman. They would still be entitled to receive that higher rate of pay. But everyone would at least receive the D.C. locality adjustment if they were serving.

Along with a number of other provisions to enhance leave and benefit options, we believe that this is a very comprehensive solution that will make a real difference in recognizing the hardships and sacrifices associated with serving in zones of armed conflict.

We have addressed the biggest complaints about inequities in the applicability of certain authorities, such as locality pay, health assessments, and caps on premium pay and aggregate compensation. We can't address all of the differences through the legislative proposal.

For example, as in Washington, D.C. right now, we have three basic pay systems. We have Foreign Service pay, military pay, and civilian pay. There are always going to be those differences. We are not pretending to have one pay system. So there will always be differences, and this proposal will recognize that.

In addition, we have tried to achieve an optimal balance between the mandatory and discretionary provisions. All of the discretionary authorities, such as extension of the Foreign Service Act allowances, benefits, and gratuities, will be subject to government-wide regulations issued by a single agency as prescribed within the proposal. We believe that not all of the provisions need to be mandatory in statute. Discretion allows OPM, the State Department, and DOD to foster consistency and fairness in implementation across agencies, but also allow flexibility as things change over time.

For example, the cost of death benefits or movement, cost of fuel or things like that are things that we ought to adjust based on the market, and if we set those in the law, it will be very hard to keep current with the situation. So we are proposing in the proposal to maintain some flexibility, but we want to ensure that it is applied consistently.

That is a brief highlight of what we have done, Mr. Chairman. We look forward to working with you as we form and shape up this proposal and look forward to answering any questions that you or the Subcommittee might have.

Senator AKAKA. Thank you very much, Director Berry. You have touched on a number of the problems that have been mentioned.

Ambassador Kennedy, will you please proceed with your statement?

**TESTIMONY OF AMBASSADOR PATRICK KENNEDY,¹ UNDER
SECRETARY OF MANAGEMENT, U.S. DEPARTMENT OF STATE**

Ambassador KENNEDY. Thank you very much, Mr. Chairman and Senator Kaufman. Dedicated men and women from the State Department are working around the world and around the clock to advance our national interest. The safety and welfare of these personnel are a top priority for the State Department, Secretary Clinton, and me.

Our global mission and operations have always required people to live and serve overseas. However, the breadth and depth of world issues continues to grow and our mission is expanding. Two-thirds, or 184 of our State Department posts currently are designated as hardships. More than 900 positions are classified at posts that are unaccompanied or partially unaccompanied because of dangerous conditions, an increase from just 200 in 2001. In addition, civilians now serve directly alongside their deployed military service counterparts in numerous locations in Iraq and Afghanistan.

Throughout the past 8 years, the Department has reviewed its practices and constantly incorporated lessons learned from Iraq and Afghanistan to refine our assignments, processes, and programs, augment its training for deployed civilians, provide additional support to family members, and established a more robust medical support network. We explored alternative models of addressing the expanding foreign policy mission, and with support from the Congress, created Civilian Response Corps (CRC) in 2008 that can deploy quickly to support reconstruction and stabilization operations.

We appreciate the efforts of the Office of Personnel Management in bringing together the State and Defense Departments, and on key issues the Labor Department, to jointly begin developing a standard benefit package that will enable civilians from all agencies serving in combat zones to be treated equitably.

Our missions in Afghanistan and Iraq have always been fully staffed with volunteers. The Department is, in turn, focused on ensuring that these volunteers are prepared, trained, compensated, and supported before, during, and after their assignments.

The package of benefits includes the maximum hardship and danger pay allowance allowed by law, and with the exception of political appointees or members of the senior services, employees receive overtime or comparable payment for the long hours that they work. Employees are also offered Rest and Recuperation trips during their assignments. They can choose either to come to the United States or to go elsewhere. And we have supported legislation that increased the annual premium cap and eliminated the aggregate pay cap.

We have established specific incentives for the Foreign Service. For example, our Selection Boards take their service in dangerous locations into consideration.

¹ The prepared statement of Ambassador Kennedy appears in the Appendix on page 34.

We are also very much mindful of the support we must provide family members. Our Family Liaison Office addresses these specific challenges and we have expanded that office in order to assist families, including a 7-day-a-week, 24-hour hotline that assists them.

Training is incredibly important. We offer courses at our own National Foreign Affairs Training Center and we work in conjunction with our Department of Defense colleagues. We provide a 1-week mandatory security program, a 1-week Afghan civilian familiarization program, and all employees who will be outside of Kabul in the provinces or areas take an additional 2 weeks of training, including a course run in conjunction, as you noted, Mr. Chairman, with the Department of Defense, this at Camp Atterbury in Indiana. This integrated training ensures that our personnel are able to work with their Defense Department colleagues from the moment they hit the ground.

As you also noted, civilians serving in combat zones are exposed to greater stress levels. We facilitate this by working with the inherent conditions and we ensure that there are mandatory pre-departure sessions. There are post-departure sessions, as well. We engage in follow-up, and our Medical Division, led by Dr. Thomas Yun, who is accompanying me, have this as one of their primary missions, to make sure that our employees receive all the care on scene and follow-up that they need.

The Medical Director has established a Deployment Stress Management Program which follows the individuals and also has deployed psychologists, social workers, and backup psychiatrists to service our personnel in both Iraq and Afghanistan. And employees who are identified as possibly suffering from stress-related disorders are treated in Washington or near their home stations, if required. We have excellent cooperation from the Department of Defense and access to military medical facilities if they have specialized training and treatment available that would not be available in the normal civilian world.

We have also established a Civilian Response Corps that is composed of specialists from the State Department and other agencies around the government to be able to deploy personnel to work in conjunction with our deployed troops around the world.

Our civilian employees and their families deserve comprehensive support before, during, and after their overseas assignment. This need is particularly great for those serving at our most difficult and dangerous posts. We recently remembered at a memorial service in the Department a colleague, Terry Barnich, who was killed when his vehicle struck an improvised explosive device in Iraq, and we have also recently mourned the loss of Victoria DeLong, who died in her country's service in the earthquake in Port au Prince. Reinforcing the Department's commitment to providing benefits and programs to support our employees and their families as they serve our Nation around the globe is our primary responsibility.

Thank you very much, Mr. Chairman.

Senator AKAKA. Thank you very much, Ambassador, for your statement.

Now, I would like to call on Dr. Stanley for your statement.

TESTIMONY OF HON. CLIFFORD STANLEY,¹ UNDER SECRETARY FOR PERSONNEL AND READINESS, U.S. DEPARTMENT OF DEFENSE

Dr. STANLEY. Thank you, Mr. Chairman and Senator Kaufman. I want to thank you on behalf of the Secretary of Defense, Robert M. Gates. I would like to really express our appreciation for inviting us here to testify and to appear today to discuss the Department's efforts to build an improved and reliable capability with the Department of Defense's civilian workforce that is ready, trained, and cleared to support DOD operations, contingencies, emergencies, humanitarian missions, stability, reconstruction operations, and combat operations.

First, let me emphasize that the Department of Defense has a long and proud history of civilians supporting our U.S. Armed Forces and military operations around the world. The structure of the Armed Forces is based on the Total Force concept, which recognizes that all elements of that structure are actually part of our active duty personnel—reservists, defense contractors, host nation military, civilian personnel, and DOD's Federal civilian employees. They contribute to our national defense.

My testimony today will focus on the Civilian Expeditionary Workforce capability, the Department's initiatives to effectively train and prepare the civilians for expeditionary missions in Afghanistan, the support provided to our civilians in Afghanistan, proposed legislation to codify and standardize benefits for Federal civilian employees while serving in a designated zone of armed conflict, and the Department's actions to address the Government Accountability Office recommendations.

I have submitted my written testimony for the record but would like to highlight some areas to facilitate our dialogue. As the Subcommittee has specifically asked about Afghanistan, I will focus my discussion on the critical role our DOD civilians have and continue to provide during Operation Enduring Freedom.

This year, we hope to obtain the most far-reaching and comprehensive benefits package for Federal civilians to date. Our Department, the Office of Personnel Management, the Department of State, and the Department of Labor have worked in partnership to develop an important legislative proposal which will provide more uniformity and transparency to the pay and benefits of our deployed civilians.

For example, the draft proposal would establish special leave benefits, recuperation leave to provide employees respite from working in a designated zone of armed conflict, and readjustment leave following deployment to provide employees time to rest and to attend to personal matters. It would also establish a pre- and post-deployment health assessment program in each agency for deploying civilians consistent with regulations prescribed by the Secretary of Defense or the Secretary of State.

The Department takes seriously its obligation to protect the health of all deployed civilians. DOD civilians are eligible for health care treatments and services in military treatment facilities at no cost and at the same level and scope provided to military per-

¹The prepared statement of Dr. Stanley appears in the Appendix on page 40.

sonnel. The Department also recognizes that it may be the only in-theater provider of emergency medical care for non-DOD civilians, perhaps with the exception of the Department of State, which may have some medical capabilities. So the Department of Defense has clarified its policy on access to military treatment facilities for non-DOD Federal civilians, both while in theater and when following deployment.

Simply stated, DOD provides emergency care in theater and military treatment facilities until the employee is stabilized and discharged, and as the Under Secretary of Defense for Personnel and Readiness, I can under certain circumstances allow for continuing care in our military treatment facilities past the point of medical stabilization. Like our DOD employees, however, other Federal employees must have an approved Department of Labor, Office of Workers Compensation claim for specific deployment-related illnesses, disease, or injury to be eligible for continuing care in a military treatment facility. Other factors that I consider include whether the military treatment facility has special or unique expertise in treating the injury, disease, or illness of the employee, and if the military treatment facility has the capability and capacity to treat the employee's specific needs. A determination is made on a case-by-case basis.

In conclusion, I want to thank you again for your unwavering support of our Federal civilians who deploy in support of our mission around the world. Deployed civilian employees are essential to the Federal Government's ability to meet its mission requirements in Iraq, Afghanistan, and other designated zones of armed conflict. With your help, we have been able to offer critical incentives and benefits to our Federal civilian employees serving in Afghanistan and Iraq.

So I look forward to your questions and am looking forward to talking with you today.

Senator AKAKA. Thank you very much, Dr. Stanley, for your testimony.

And now I will call on Ms. St. Laurent for her testimony.

**TESTIMONY OF JANET ST. LAURENT,¹ MANAGING DIRECTOR,
DEFENSE CAPABILITIES AND MANAGEMENT, U.S. GOVERNMENT
ACCOUNTABILITY OFFICE**

Ms. ST. LAURENT. Thank you very much, Mr. Chairman and Senator Kaufman. We very much appreciate the opportunity to discuss GAO's work on actions needed to better track and provide compensation and medical benefits to deployed Federal civilians.

As DOD has expanded its involvement in overseas military operations, it has grown increasingly reliant on its civilian workforce to provide support. Other Federal agencies also play an important role in these efforts, particularly in light of a needed whole of government approach. This has highlighted the need for greater attention to the policies and benefits that affect the health and welfare of deployed civilians.

The six agencies covered in our review included the Departments of Defense, State, Homeland Security (DHS), Agriculture (USDA),

¹ The prepared statement of Ms. St. Laurent appears in the Appendix on page 62.

Justice, and United States Agency for International Development (USAID). We reviewed laws, policies, and guidance, and interviewed officials at OPM and the six agencies. Also, we conducted a generalizable sample of civilians deployed to Iraq and Afghanistan between January 2006 and April 2008.

I would like to briefly summarize our key findings, recommendations, and agency actions to date in three areas: First, compensation policies for deployed civilians; second, medical care; and third, tracking of deployed civilians.

First, although policies concerning compensation are generally comparable across agencies, we identified several issues that affect the amount and timeliness of compensation received by deployed civilians. Specifically, we found that an estimated 40 percent of the deployed civilians we surveyed reported experiencing some problems with compensation, such as receiving timely or accurate payment for items such as danger pay or overtime. We also found that deployed civilians with similar situations could receive somewhat different compensation and benefits. For example, employees with comparable salaries can receive a different rate of overtime pay if they are on different pay systems, even though they may be working side-by-side. Also, agencies have had significant discretion regarding whether individuals are deployed in temporary duty status or in a permanent change of station status, and these decisions can lead to differences in compensation, sometimes considerable.

We therefore recommended that OPM oversee an executive agency working group to address differences, and if needed, develop an action plan or make legislative recommendations. OPM generally agreed with our recommendations and informed us that an inter-agency group was in the process of developing proposals for needed legislation. We are pleased to see, today, that the Executive Branch has collaborated on a package of proposals to enhance consistency in pay and benefits, although we have not yet had the opportunity to review the details.

Second, we identified several issues with medical care following deployment. For example, while DOD allows its treatment facilities to care for non-DOD civilians following deployment in some cases, the circumstances were not clearly defined and some agencies were unaware of DOD's policy. Since our report was issued, DOD has established and communicated additional guidance on how non-DOD civilians can access DOD medical services. This is a positive step.

We also found that DOD was not consistently implementing its post-deployment medical screening process and that the State Department, unlike DOD, did not have post-deployment screening. We have found that documenting the medical condition of personnel both before and after deployment is critical to identifying medical conditions that may result from deployment. Accordingly, we recommended that DOD establish procedures to ensure its post-deployment screening requirements are fully completed. DOD agreed with our recommendations and has developed some additional guidance.

We also recommended that the State Department establish post-deployment screening requirements. The State Department agreed with our recommendation and we have not yet seen documentation

on the action it has taken, but we look forward to seeing documentation as they develop their process.

Third, while each of the six agencies involved in our review provided us with a list of deployed civilians, none had fully implemented policies and procedures to systematically track civilians. DOD, for example, had procedures to identify and track civilians but concluded in internal memoranda that its guidance was not being consistently implemented. Other agencies had to manually search their systems to meet our requests for data on the number of civilians deployed. Thus, agencies may lack critical information on the location of personnel, which could hamper their ability to address emerging health issues.

We therefore recommended that DOD better enforce its tracking requirements and that the five other agencies establish tracking procedures. DOD and four agencies concurred with our recommendations. However, USAID disagreed, stating that its current system is adequate. We continue to believe that all six agencies need to move forward with specific concrete steps to develop and improve a tracking system.

In sum, our report made 10 recommendations for agencies to take actions. Most agencies generally concurred with our recommendations and have taken some steps. However, further concrete actions are needed to promote greater consistency across the agencies, and again, we welcome the package of legislative proposals that will be forthcoming and look forward to reviewing it.

Thank you very much.

Senator AKAKA. Thank you very much, Ms. St. Laurent.

I will ask some questions here to our panel, and then we will have Senator Kaufman make any statement he wishes to make and have him ask you his questions.

Director Berry, I am looking forward to seeing more details of the legislative proposal that you outlined in your testimony, and I am pleased that many of the issues raised by GAO will be addressed in this proposal. According to GAO's testimony, at the time of GAO's review, DOD officials stated that proposals from the working group would not represent a comprehensive benefits package. Do you believe that the proposal you outlined is comprehensive and will ensure consistent benefits for all Federal civilian employees deployed to combat zones?

Mr. BERRY. Thank you, Mr. Chairman. Yes, it is my opinion, and I will let Ambassador Kennedy and Secretary Stanley speak for themselves, but the Administration believes that this is a very comprehensive approach. We have tried to tackle each and every issue in terms of pay and benefit inconsistencies that were in existence and address them in the proposal that you will be receiving. So I think it has been a great team effort. There has been give and take, but we have all worked from the perspective that all of these folks are putting themselves in harm's way and we really need to treat them with fairness and consistency, and this proposal will do just that, sir.

Senator AKAKA. Thank you, Mr. Berry.

Ms. St. Laurent, let me ask, do you have anything that you would like to add to this question?

Ms. ST. LAURENT. Well, first, thank you very much, Mr. Chairman. Again, we view it as a positive step that the Administration will be forthcoming with a package of proposals. We look forward to seeing the details of those proposals. Just based on some of the information and the testimonies that you are receiving today, it appears that some of the issues that were outlined in our report and for which we made recommendations are included in the package.

For example, establishment of a pre- and post-deployment health assessment program of each agency would be very positive, and if implemented would certainly help to address some of the issues that we cited. In other places, for example, the discussion about locality pay entitlements appears to be somewhat consistent and deal with some of the issues we addressed. For example, we pointed out that individuals who are deployed in a permanent change of station situation are not entitled to locality pay and therefore they have a lower base from which danger pay and overtime and other sorts of pays are calculated.

So again, we would like to see more of the details, but we do see just from this preliminary information that we have today that it appears the package would address some of the issues that we have raised in our work.

Senator AKAKA. Thank you.

Director Berry, according to GAO, many deployed civilians have experienced problems with receiving the correct compensation in a timely manner, in part because they do not know what they are eligible for or where to go for assistance. What has OPM done to ensure that this information is easily accessible?

Mr. BERRY. Mr. Chairman, I think part of that problem was the existence of the temporary and often inconsistent application of pay authorities depending on where the person was coming from and what their agency was. And what we hope this proposal will do is provide that level of consistency. So though the base pay in terms of—there will still be variation between the Foreign Service schedule, the General Schedule (GS), and active military schedules. But now we will be providing the locality pay adjustment consistently across the board to all covered civilians and working through from there.

The other thing I can commit to you is there are essentially four agencies in the government that provide the payroll function—DOD, USDA, the Department of Interior, and the General Services Administration (GSA). Once this proposal, which we hope is adopted by the Congress and signed into law, we will be able to have all of those pay systems consistent so that the accuracy and the timeliness with which people are paid, we believe will significantly increase.

Obviously, employees should be receiving the full benefits they are entitled, and if somebody has been handled erroneously, we will work to correct that with that payroll agency. But I think this way going forward puts us on a very strong ground, Mr. Chairman, because it levels the playing field, makes it consistent, and it is a lot easier for those payroll agencies to administer consistently.

Senator AKAKA. Thank you very much.

Ambassador Kennedy and Dr. Stanley, under the legislative proposal, the Secretary of State, in coordination with the Secretary of

Defense, could designate an area where there are exceptional levels of armed violence as a designated "zone of armed conflict." This would trigger the availability of certain pay and benefits to employees. Which areas do you anticipate would be designated as zones of armed conflict and how severe would armed violence have to be to warrant this designation?

Ambassador KENNEDY. If I might go first, I think at the moment, Mr. Chairman, I would see Iraq and Afghanistan being the two immediately designated zones of armed conflict. Under the standardized regulations for government civilian service abroad, which is administered by the Secretary of State, we already have in place provisions for hardship pay and danger pay. I think that will cover almost any other current situation in the world. Whether it is Xanadu or Shangri-La, we can take care of those specific circumstances. But it is the unique conditions in Iraq and Afghanistan, where you have civilian employees working alongside, literally, their military colleagues which call for special consideration.

Senator AKAKA. Dr. Stanley.

Dr. STANLEY. Mr. Chairman, I was thinking about that even as you were asking the question. I am not going to differ from what my colleague is saying, but I would also like to take the question for the record because I think that there are some areas to that that I don't know where some of those exception areas would be other than Iraq and Afghanistan. But our world situation could be changing while we are sitting here and I would just like to confer with not only our Chairman and military, but also with colleagues to further refine that.

Senator AKAKA. Thank you very much. We will certainly want it for the record and we look forward to that. Thank you, Dr. Stanley.

Ms. ST. Laurent, GAO's June 2009 report on deployed civilians included 10 recommendations to the agencies to improve benefits. Your testimony today and the June report raised many areas that need to be addressed concerning compensation and medical benefits for deployed civilians. Of your recommendations, what do you think should be the agency's top priority?

Ms. ST. LAURENT. Thank you, Mr. Chairman. I would say there are really three areas. The first recommendation that we thought was extremely important was for the Office of Management and Budget (OMB) to work with the other agencies and come up with a concrete set of proposals for potential changes, and again, based on today's testimony, it appears that has been done and the specific language will soon be forthcoming.

Second, we think it is very important to develop good and rigorous tracking systems in each of the agencies to be able to identify deployed civilians over time. Again, as we did our work, we had to work very closely with the agencies and they had to do numerous data calls to be able to identify deployed civilians. We were able to eventually get a universe from which we could pull a sample, but it was challenging at times, so we recognize that there is a need for further improvements there. It is particularly important if, in some of these regions, health issues emerge and the agencies need to be able to contact individuals that have deployed. So while some of the agencies are making progress in that area, they need to further refine what is going to be the data system of record to be able

to provide good, accurate data on deployed civilians and then to implement that consistently.

And the third area would be in the medical post-deployment screening. And again, the Department of Defense is doing that. We surveyed individuals, though, and found out about 21 percent of the individuals in our survey had not gone through a post-deployment screening. And then the State Department at the time of our review had not established procedures, so we believe they and the other agencies also need to put those processes in place.

Senator AKAKA. Thank you very much, Ms. Laurent.

I would like to now call on Senator Kaufman for any statement and questions that he has. I know he has a deep interest in the issues raised in this hearing. Senator Kaufman.

OPENING STATEMENT OF SENATOR KAUFMAN

Senator KAUFMAN. Thank you, Mr. Chairman. I want to thank you for holding this hearing. It is really important.

I just got back from my third trip to Pakistan, Afghanistan, Iraq, and, when you go there and you see what a great job our military and civilian folks are doing over there—and they really are doing a great job—you have just got to wonder about are we taking care of them and are we showing them how much we really care about it.

And I know that especially at the State Department and DOD, we have employees all around the world, not just in Iraq and Afghanistan, who are in harm's way, who have to put up with there isn't a mall on every street corner. You don't get to do a lot of things. There isn't a 27-film metroplex. So this is really important.

And I must say, the morale of everybody I met on these trips has been great, but there is a question that comes up all the time about benefits and how all that works and some concern about those things. Mr. Chairman, the timing on this is great and I am glad to hear we are going to have a report directly on this thing because this is something that we have to make sure that the people feel like they are getting the standard benefits in uniform, they are not working side-by-side with somebody.

I would like to start off and say, is there any consideration at all—one of the things I do hear a lot about is contractors working next to military and civilian personnel, getting, X-times as much money and having this much benefits and that benefits. Is there any discussion about—and again, I want to say the accomplishment of having a proposal that works to deal with this problem is great, so it is kind of like once you get one thing, you are waiting for the next thing. But I must admit, it is something you do hear a lot about, not necessarily in a negative sense, just concern, these considerations. Is there any consideration for the fact that contractors seem to be getting much greater pay and benefits?

Dr. STANLEY. I haven't heard any—I have not discussed that, Senator, and I am going to have to look into that question. I have been focusing primarily on DOD and, of course, on the civilian personnel—

Senator KAUFMAN. Yes.

Ambassador KENNEDY. If I could, Senator, in our contracting procedure, we obviously try to drive the best bargain for the American taxpayer.

Senator KAUFMAN. Right.

Ambassador KENNEDY. That is obviously, though, depending upon the bid. It is very difficult to compare them because many contractors, or the employees of contractor companies will work 120 straight days—

Senator KAUFMAN. Right.

Ambassador KENNEDY [continuing]. And they have no leave built into that. So it seems that their salary is very high for that 120 days, but when then they go off, they literally get paid nothing—

Senator KAUFMAN. Yes.

Ambassador KENNEDY [continuing]. For the month or two that they are back in the United States on what would be paid leave if you were a government employee. There is obviously, chow-hall talk about that in many places—

Senator KAUFMAN. Yes.

Ambassador KENNEDY [continuing]. And we do try to make sure that the pay and benefits to contractors represent the best value to the U.S. Government.

Senator KAUFMAN. And again, what you have done so far is Herculean. If we can get that done, that will be enough. But I am just raising it because, as you say, that is the perfect thing—chow hall, that is where you hear it. You are sitting at lunch with a serviceman—I visit with servicemen from Delaware and others every time I go over there, and by the way, there is a guy next to me, retired military, he has his pension and everything else but he is getting X-number of dollars to do what I am doing. So anyway, it was one of the things I am concerned about.

Look, the other thing I am kind of concerned about is, it is clear to me that what Admiral Mullen, Secretary Gates, and other leaders says, and as long as we maintain our capability, no one is going to take us on in a conventional war, no one. And so what is going to happen is people more and more are going to take us on in battles—cyberspace is an example—economically. But the main thing we are going to deal with is these insurgencies, and we are probably going to deal with these insurgencies for the rest of my lifetime.

And I think much smarter people than me have come up with a counterinsurgency strategy which I am in awe of, not just that we have a counterinsurgency strategy and people can figure it out, but how successful it has been in Iraq and how successful I think it is in Afghanistan.

And I also think, Ambassador Kennedy, this is an incredible opportunity to deal with one of the problems I see, and that is the imbalance between—no disrespect—but between how many folks we have at the Department of Defense ready to straighten things out once there is a mistake and how many folks we don't have at the Department of State making sure we don't have these things develop, and I think no one says it better than Secretary Gates when he talks about the number of employees in the Army bands and how many Foreign Service officers that there are.

So there is an imbalance here and counterinsurgency is an opportunity for us to do, like, shape, hold, clear, build, and transfer. It gives an opportunity to do what I think all of us kind of felt intuitively was the way to go on this thing, that this is not just about—the insurgents have come up with this incredible ability—going all the way back probably to General Jaap and even before him, to figure out, how do you fight these wars, and we haven't really come up with a solution, and I think we finally have, and it makes sense.

So as I look down the road, I see military units showing up in Afghanistan having spent months, if not years, training together. Everybody has a specialty. Everybody knows what they are doing. A big change in the last year and a half. A year ago, the civilians would show up in Kabul or in Baghdad, meet each other for the first time, and then go out, be in a Provincial Reconstruction Team (PRT) or operating with the military, and we made a big change. Camp Atterbury, great idea. But we are still way behind, or, Ambassador Kennedy, I mean, this is your opinion. We are way behind the thoughtfulness that goes into what the military operation does. Is that fair to say?

Ambassador KENNEDY. I think you are correct, very correct, Senator Kaufman. We are behind, and I think we are addressing that in two ways.

One is the training dimension that you have. Thanks to the support of the Congress, the State Department, which was almost a hollowed out force for the last decade or two, has been given additional positions that we can build up the complement of people who have language training, and I know this is something that both the Government Accountability Office and this Subcommittee has looked at. We now have the training complement, so we are pushing additional personnel to get them the Arabic, Dari, Farsi, Urdu languages, so the training complement.

Second, we have an additional complement to send additional State Department people to the military training schools, whether it be Leavenworth, Carlisle, or Montgomery. That working with the military at the mid-career and at the upper levels, as well, are incredibly important to build that comprehension. It is almost a riff on Winston Churchill's quote about the American and the English being two people divided by a common language. Both our DOD and our colleagues speak English, but it is certainly a different dialect.

Senator KAUFMAN. Right.

Ambassador KENNEDY. In my service in Iraq, I saw that. So by additional language training, by the additional training with the military, we were also given additional positions. We have expanded, I think it will be almost threefold the number of political advisers, State Department personnel attached to military units of all sizes. We are doing all that.

The second big thrust is the Civilian Response Corps that we are standing up, a standing corps of individuals on the payroll who will be in training, working with their military colleagues, and prepared to deploy in units to places. We will never be quite the same as the military because what we would find in a Haiti suffering from a traumatic natural disaster, what we find in a failed state, what we find after some kind of other civil insurrection will be very

different. So we will never be the same. But I think these two efforts pulled together have us moving in the right direction with, as you noted, sir, great support from Secretary Gates——

Senator KAUFMAN. Absolutely.

Ambassador KENNEDY [continuing]. And Admiral Mullen.

Senator KAUFMAN. And not only Secretary Gates. He is absolutely incredible. I want to tell you, my hat goes off to him. One of my hobbies has been organizational theory and how you communicate. The way the military has been able to communicate to everyone in the theater how important counterinsurgency is, that the job is protecting the civilians—it is absolutely extraordinary to see for me. Just in a short time to turn from a counterterrorist strategy to a counterinsurgency strategy and get everybody on the same page is truly, in my opinion, remarkable, the ability to do it.

But I am concerned. The CRC, as you said, with 75 employees at some time have been stationed in Afghanistan. I mean, we have 100,000 military—we are going to have 100,000 when we get fully deployed—100,000 military. Right now, we hope to have 1,000 civilians in Afghanistan, and I think 400 outside of Kabul. It is hard for me still—and I know this is not what you want, but I am just saying, we still have a long way to go in my opinion when you see—and you are absolutely right about speaking a different language. I mean, the kind of person that is drawn to the military doesn't have the same kind of interest as the person that is drawn into the State Department.

So that brings me to the next point, which is recruiting. A lot of times we have been doing this by detailing people. My favorite is Agriculture. I know a lot of folks that work in the Department of Agriculture. They didn't pick the Department of Agriculture because they wanted to go to a foreign country and learn a foreign language. It is a totally different mindset. So going to the Department of Agriculture to try to get somebody to go to Afghanistan and work with the farmers in Afghanistan is difficult.

And in terms of recruiting, let me ask this, especially to Ambassador Kennedy and Mr. Berry. What are we doing in terms of recruiting so that we can get folks who come with an aptitude and an interest in serving overseas in tough areas? Is that affecting how we are recruiting folks for these positions?

Mr. BERRY. Senator, I will lead off, and then I will, if it is OK, lateral to Ambassador Kennedy.

Senator KAUFMAN. Right.

Mr. BERRY. We are fortunate in that so many men and women come into the civil service motivated by the desire to do good——

Senator KAUFMAN. Absolutely.

Mr. BERRY [continuing]. And who do so oftentimes recognizing the incredible risks they face—our colleagues, for example, in the Internal Revenue Service who just suffered a loss in Texas, as we all are sadly aware of. This risk is high oftentimes whether you are in a combat zone or not.

And so the good news is that we have been very fortunate to identify those areas that are of most need, of benefit to the State Department and DOD in terms of addressing the issues that nest within the strategy that you have been referring to. And we have been very successful so far, to date, and I hope we will always con-

tinue to be so, of approaching people with the desired skills that fit in with that strategy and asking them to step up and serve their country in this special way. And the good news is we have been able to meet the need to date. We recognize it is an extra burden. It is an extra imposition. But fortunately, people have been willing to step up and accept that responsibility.

But as to the specifics of it, I think it would be good if Ambassador Kennedy explained a little bit more for you how that goes.

Senator KAUFMAN. I am anxious to hear this, but if this works right, what we have done now is just a mere pittance in terms of the numbers that I think we are going to have to have. We are faced with a counterinsurgency strategy for the next 10 or 15 years. We are going to need a lot of folks. And I am concerned about the Standby Civilian Response Corps in terms of the number of employees. I am concerned there are only 75. I am concerned about and I know about the reserve. I am doing the training, but I think we have to have some idea, some recruiting thing that goes beyond the numbers they are recruiting right now, and that is the only point I am making.

Mr. BERRY. I think one of the key points why this legislation will be so important, Senator, is certainly working against us—I think the willingness to serve their country—

Senator KAUFMAN. Right.

Mr. BERRY [continuing]. And even put themselves at additional risk was not as big a concern as the financial hardship that their family was going to be placed under. And so this proposal, I think, will take that off the table.

Senator KAUFMAN. Right.

Mr. BERRY. And so it will allow our recruitment efforts to go forward in a much stronger way and it removes one of the greatest barriers we had, quite frankly, which was not only were we asking them to put themselves in greater harm, we were going to financially disadvantage them.

Senator KAUFMAN. I totally, absolutely agree.

Mr. BERRY. And so I think that is why I believe sort of one of the most important things in this proposal is ensuring that they can retain their locality pay and not lose that. So that is going to, I think, be a great relief to a number of civil servants as they are considering and making this decision.

But you are exactly right. We are going to have to wrestle with this recruitment issue because the numbers are going to grow. We are probably going to be looking at a significant increase in these numbers over the years, and that is really determined and set by the State Department and the Defense Department and we will work, to the extent that we can, to help them in terms of that recruitment outreach.

Senator KAUFMAN. Great. Ambassador Kennedy.

Ambassador KENNEDY. Thank you, Senator. I think there are sort of three dimensions I would like to quickly address. The first is that the Civilian Response Corps (CRC) just received its full authorization funding—

Senator KAUFMAN. Right.

Ambassador KENNEDY [continuing]. Just a mere 18 months ago. We are in the process of building it up to the authorized strength

of over 2,000, 2,250 for the active and the Standby Corps, and we are continuing to seek Congressional approval and funding for the Reserve Corps, as well. So we are building up the Civilian Response Corps to do exactly what you say and we believe will have to be done in the future.

In the interim, we have already deployed—I think we had the other day 1,074 civilian employees of the State Department and related agencies, excluding those who are directly supporting. We managed to put that together and we are planning another several hundred to be deployed this fiscal year. We know we can do it. So we are going that way.

The other agency that has to be addressed is USAID.

Senator KAUFMAN. Absolutely.

Ambassador KENNEDY. A year and a half ago, USAID was down to 1,400 Foreign Service personnel, which is a shadow of what it once was in the Vietnam era. Thanks to the efforts of Secretary Clinton supported by the Congress, we are en route to doubling the size of USAID, getting them up to 2,800 people. We believe that will present us with an incredibly more robust, deployable, trained, interested, capable cadre to partner with the U.S. military in these areas.

On the State Department side, we still have the diplomatic mission, but it is interesting that we see the recruitment of the State Department morphing to an older population, average age now in the young 30s, large numbers of former military starting a second career, individuals who had worked at non-governmental organizations, as former Peace Corps volunteers, and former AmeriCorps volunteers. I think, also, giving the State Department a new inherent capability from the strength and the skills that these individuals are bringing to the Department. So one day they are a diplomat in a nice assignment——

Senator KAUFMAN. Right.

Ambassador KENNEDY [continuing]. And the next year, the next day, they are part of a contingent of individuals deployed either with or in support of the Civilian Response Corps or working with our DOD colleagues on a district team in Afghanistan.

And last, though I know that individuals from the Department of Agriculture, the Department of Interior, or Department of Energy did not join those agencies to be deployed overseas, as Director Berry has said and as I have seen it in my own experience in Iraq, their willingness to step forward and answer the call and bring those specialized skills, whether it be in agriculture or forestry, fisheries, electricity, to the U.S. call is truly heartwarming and truly essential to get the mission done that you rightly cite.

Senator KAUFMAN. The Chairman and I will put our record up against anyone in terms of our high esteem for Federal employees. I mean, we both believe that one of the most misunderstood things in America is the absolutely incredible quality of our Federal employees. They are absolutely great. And I think that this is a system that will work.

I am not from the State Department or USAID, we are going to do fine there, I think. We have people. We have to get more. As I said, Secretary Gates is a big help in this. We have to get USAID

back so we don't have as many contract employees and we have full-time employees. Absolutely right.

I am thinking more about the specialties in terms of we are going to have to ramp up a lot. Now, I am not saying the Department of Agriculture, they are any less—that they are more risk averse or anything like that. It is just in your DNA, kind of self-selecting, just like the difference between the United States and England and just the same between DOD folks and Department of State folks.

And one of the things I think we really have to do—General McChrystal talks about government in a box, and I know a lot of people are offended by that, but it is a good word. He talks about, well, when we get in Marja, we drop government in a box. When we get to Kandahar City, we are going to drop government in a box. And I know it, and I know why people have said it is a good thing. It is a good way to kind of approach the problem.

When you say, OK, what is going to be in the box? Now, we are going to have some State folks that are in historic State roles. We are going to have some USAID folks with historic State roles. We have to get more of those if you are trying to fill up the boxes. Then we have all these specialties.

One of my personal things that we have to get straight—and there are people at the State Department that can do this—but I think it takes a different state of mind. Right now in Afghanistan, the governors have no staff. If you are the Governor of Helmand Province, Mengel, you have no staff. They send you out there. You are appointed. You go.

Well, if you are trying to be a governor in a state like Helmand, you need some political advice. I mean, you need somebody whispering in your ear that has had some experience or has some training or has some interest in the kind of the unique problems of trying to run this. During the Second World War, we sent groups as we moved across Italy and we moved across Europe. We would leave behind civilian government in a box. We would go to these little towns and we would say, OK, we are moving on, but here are a bunch of folks that know how to run every thing. They know how to set the water coming in. They know how to do the agriculture. They know how to do the police department. They know how to do the fire department. That is really the way it worked.

And I am just saying, we are talking about a whole different size of this thing. The size of this thing is going to be gigantic, and I see the day when it is not going to be one-for-one with military and civilians, but it is going to be a lot more civilians now. And that is all I am just saying.

In terms of recruiting, in terms of training, we have done a lot over the last little bit. I am just saying, I think we have to turn our eyes to that, and I want to thank the four of you for your service and what you are doing. I think America is truly fortunate and I think that it shows the quality of America in the quality of people that are willing to serve for America, so thank you.

Mr. BERRY. Thank you.

Ambassador KENNEDY. Thank you, Mr. Chairman.

Senator KAUFMAN. Thank you.

Senator AKAKA. Thank you very much, Senator Kaufman.

Director Berry, the Federal Employees Compensation Act (FECA), was designed to provide compensation for occupational injuries but may not be well suited for the types of traumatic injuries that workers could receive in conflict zones. Your legislative proposal would provide for a new payment for traumatic injuries similar to what service members receive and would amend FECA to allow a longer period of salary payments for employees who suffer traumatic injuries.

Will you please discuss the proposed changes and any other recommendations you may have to ensure that workers with traumatic injuries get the services they need.

Mr. BERRY. Mr. Chairman, I thank you, and that is a critical element of this package. The proposal that you will be soon receiving does provide for a traumatic injury gratuity. It mandates the payment similar to the military benefit for traumatic injury that is received while serving in a designated zone of armed conflict. And so we will be proposing amendments that would accomplish and ensure that any civilian that would suffer that would be treated consistently.

Mr. Chairman, part of this proposal waives the premium pay cap and aggregate pay limitations. And so now sometimes where on the civilian side, if you had suffered an injury, even if you were entitled to payments, the pay cap would prevent you from receiving them. What we are doing is lifting that pay cap to do that.

Finally, I would like to recommend or bring to your attention, Mr. Chairman, a continuation of pay in that we will provide 45 days to file a claim after you have terminated your assignment into the zone of armed conflict or returned to the United States, whichever occurs last. Thirty days is the current standard. We will be extending that under this proposal to 45 days. The continuation of pay will be furnished for a period not to exceed 135 days. That is an increase over the current limitation of 45 days.

So you can see we have tried to significantly enhance these benefits, recognizing the importance of this issue, and Mr. Chairman, we appreciate the leadership that you and Senator Kaufman have provided on this issue time and time again, not only here but in sick leave for Federal employees in dealing with an injured service member in the active military. You just time and time again step up to the plate on these issues.

So I am hopeful, and I am very pleased that the Departments of Defense, State, OPM, OMB, and Labor have reached agreement on recommending to you these enhanced benefits and I hope the Congress can expeditiously put them into law so that we will be able to get them into play.

Senator AKAKA. Thank you.

Ambassador Kennedy, DOD civilian employees are currently required to undergo both pre- and post-deployment health assessments to identify conditions that may have resulted from deployment. The State Department has required only pre-deployment assessments and has indicated that post-deployment screenings would be implemented this year.

Have these post-deployment screenings been implemented, and what are you doing to ensure that civilians who serve under a Chief of Mission's authority complete this assessment?

Ambassador KENNEDY. I am pleased to report, Mr. Chairman, that the post-deployment medical screening process has begun. We started out at the post as part of their departure from the combat zone. The State Department follows it up with its employees for those employees who might have, in effect, escaped that screening. We follow it up to their next post.

And for the majority of our employees who are deployed in these areas, Mr. Chairman, who are Foreign Service employees, we have a regularly scheduled series of medical exams that you take before you go on to subsequent assignments. And so we have that built into the process so that Dr. Yun and his colleagues then pick that up before a subsequent assignment or between assignments to make sure that we do it. We send the screening out. It is called the Primary Care PTSD Screen. It is a standard practice we have adopted from the Veterans' Administration and we push it out to the employees and then we attempt to get that screening back from them, sir.

Senator AKAKA. Dr. Stanley, DOD has identified some requirements for post-deployment health assessments. I understand that a unit deployment manager is responsible for notifying deployed civilians when they are due to complete their post-deployment health reassessment. How are these managers ensuring that all DOD civilians complete this reassessment?

Dr. STANLEY. Mr. Chairman, I am aware of the caseworkers that are assigned, what their responsibilities are. The operative word is "all." I am confident that the process is in place. It is supposed to be working. I am going to have to lean back here and find out. But the question of "all" has always been a problem for me personally, because when you start saying "all," that is like it is absolutely perfect, and there are some aspects of what we are talking about here, even as we work on doing this uniformly with our State Department and Federal employees in general that I would certainly have to take some time to look at and make sure that all are being administered properly as they go through post-deployment. I hope that is clear to the Chairman.

Senator AKAKA. Yes. Well, I, too, look forward to your attempt to try to get all of them.

Dr. STANLEY. Yes.

Senator AKAKA. Hopefully, we have a process where we can try to do that.

Dr. STANLEY. Yes.

Senator AKAKA. Dr. Stanley and Ambassador Kennedy, Japanese Americans serving in the U.S. military were critically important in reconstructing Japan in the aftermath of World War II, and when I mention that, I am thinking of General MacArthur and his leadership of U.S. forces in Japan during that period of time. They were able to use their background and knowledge of Japanese culture to build trust with the people and the government of Japan.

Such an approach may also be useful for, in this case, Afghanistan. Are your departments deploying civilians of Afghan descent to Afghanistan to support the reconstruction and stabilization efforts? Dr. Stanley.

Dr. STANLEY. Mr. Chairman, I know that we have people of Afghan descent who are deployed. We are required to base in terms

of how we determine who goes, it is expeditionary nature and who we pick to go, and the mission you are talking about would be something that we would be focused on. How many we have, how far that goes, I would have to get back to you, but I know we have Afghan descent.

Ambassador KENNEDY. Mr. Chairman, I would have to also get back to you on gross numbers, but two things, if I might. The State Department makes a great effort as part of its recruiting effort around the world to attract Americans who speak the languages that we are most in need of—Dari, Pashto, Arabic, etc., and so we are out there recruiting individuals.

The State Department also has a bidding system based upon assignments, and so anyone who is interested in serving in Iraq and Afghanistan, we welcome that service. We have filled every single requirement in both Iraq and Afghanistan since the very beginning with volunteers, and so the ability for us to attract and welcome heritage speakers into the situation is something that we most—and we do get volunteers.

A recent example is we have dispatched a number of Creole-speaking Americans of Haitian ancestry to bolster our team in Port au Prince, and that is the figure and example that comes most readily to mind because it is the last major crisis I was working on. But we have trained Afghan Americans at our Foreign Service Institute and we have deployed them to both Kabul and field positions, sir.

Senator AKAKA. In asking this, I want to get to this particular question, Dr. Stanley and Ambassador Kennedy. I believe that it is very important that U.S. personnel who work overseas have a strong understanding of the culture they are working in and the ability to speak that language. How are your departments addressing or assessing and improving the cultural language training that deployed civilians need to be effective? Dr. Stanley.

Dr. STANLEY. Yes, Mr. Chairman. First of all, we don't look at it just at the deployed civilians, obviously, because we have our military that we are using, too. We also are fortunate to have probably over 40 percent of our military personnel who have now become DOD civilians. We are fortunate that some of those are actually native language speakers, so we benefit that way, too.

I would like to take for the record to get back to you with specifics on the numbers, the specifics in who we are using in different places. We do have deployed civilians who are, in fact, trained, who are, in fact, used, but we use them and tailor their placement actually based upon the requirements that have been determined of how we actually place them. Where they are right now in Afghanistan and even Iraq has been—these are requirements that are determined by our joint staff as we work to support our commanders who are forward deployed. So I will get back to you with specifics.

Senator AKAKA. Fine.

Ambassador KENNEDY. Mr. Chairman, we have at Arlington Hall Station, Virginia, the National Foreign Affairs Training Center. Before we deploy personnel to Afghanistan, and I might include Iraq in the report, as well, we do a familiarization course taught by individuals who are expert in the area before we deploy the personnel there. Additionally, if they are being deployed to the field

outside of Kabul in Afghanistan, we send them to Camp Atterbury in Indiana to work jointly with the military there, but also, I think you referred to it, Mr. Chairman, in your statement, sort of a familiarization course built around a mock-Afghanistan city/town where the population is actually Afghan American, so to help people understand the cross culture. And this is something the State Department has been doing for many years—East Asian studies, African studies, Latin American studies. It is in our DNA, and we certainly agree, sir, that it is absolutely essential to incorporate.

The second piece is obviously language. As the GAO has noted in the past until recently, the State Department has been deficient in language training. We simply did not have sufficient resources to pull people off of the line. I mean, every State Department person, in effect, up until recently, was assigned to a job, and to pull someone off to study Chinese, Arabic, Dari, or Pashto, the 2 years that it really takes to learn those languages was a price we almost could not afford to pay. But thanks to the actions of the Congress starting in the fiscal year 2009 authorization bill, we have been able to increase significantly our training complement for hard languages at the National Foreign Affairs Training Center.

For example, in Arabic in 2005 and 2006, we were training 80 to 90 people. This year, we are training 139, which is a significant almost doubling that increase. In Dari, it has almost doubled, from 15 to 28. In Farsi, doubled from five to 10. And Urdu, from six to 16. And currently, we have 35 State Department employees in Dari training and 21 in Pashto.

Do I wish it was more? Do I feel that we are doing everything we could today in the field? Absolutely not, Mr. Chairman. But since it takes at least 1 year and really 2 years to get someone fluent in those languages, we are starting way behind, but thanks to the assistance of the Congress, we now have the resources that we can put people into that language training so that we are growing the cadre for the future, and then we push them out into those difficult assignments, sir.

Senator AKAKA. Thank you.

Director Berry, in the past, the circumstances under which non-DOD civilians would be eligible for care at military facilities following deployment has been unclear. I understand that on April 1, 2010, DOD sent a letter to agencies clarifying these policies. Do you believe this letter adequately explains eligibility for this care, and are there any additional actions needed to facilitate non-DOD civilians' access to military facilities when appropriate?

Mr. BERRY. Mr. Chairman, I am not familiar with the specific details of that letter, so if I could, we would get back to you and the Subcommittee on that. And we will coordinate with Secretary Stanley to make sure it is up to date with your question, sir.

Senator AKAKA. Fine. I would appreciate that.

Dr. Stanley, the 2010 DOD report to Congress on medical care available to deployed civilians states that the Department is supporting a presidential memo directing all agencies that deploy civilians to a conflict zone to establish an ombudsman and FECA advisory programs. What is the status of this presidential memo?

Dr. STANLEY. Mr. Chairman, I have to get back to you, to take that question for the record.

Senator AKAKA. Thank you so much for that.

Ms. ST. Laurent, GAO found significant shortcomings in agencies' ability to identify and track their deployed civilians. Would you please elaborate on your findings on this issue, as well as why they are significant?

Ms. ST. LAURENT. Certainly, Mr. Chairman. Again, we had challenges working with each of the agencies to get a complete and accurate list of civilians that had been deployed from 2006 to 2008, and in the process of working with the various agencies, we have learned that many of them had to do special queries or manually try to reconstruct who had deployed overseas. So it was clear to us that there was no one accurate tracking system or database that you could easily go to to find out how many individuals were deployed.

DOD did have some processes in place, but again, what we found was that they weren't being consistently implemented, and we know that DOD is trying to make some further improvements and go to a system where they would be relying on basically their personnel system to be able to accurately identify deployed civilians.

I think the important thing is that each agency take some specific steps to think through what is the most appropriate and practical way to develop a reliable, accurate database, and it is extremely important in the event that future health issues emerge and individuals need to be contacted to deal with any potential medical or other issues that could arise as a result of deployments.

Senator AKAKA. Thank you.

Ambassador Kennedy, the issue of tracking civilians also applies to the Department of State. Since a large number of civilians serve in a country under a Chief of Mission's authority, how does the State Department currently identify and track all employees deployed to Afghanistan or serving under this authority?

Ambassador KENNEDY. Thank you, Mr. Chairman. The State Department has implemented what we call an Electronic Country Clearance System. That means that civilian employees of any government agency going, as you know, sir, out to serve under the Chief of Mission prepare this system. They register themselves. The e-mail transmission is registered at the State Department. It goes out to the post and becomes part of the post roster. They make sure that they can be registered for housing and for ID cards. So they can literally be met at the airport.

So we use this E-Country Clearance System, and then there is a Departure System at the back end to make sure that we have what we believe an accurate tracking of everybody who is going in and out. I would hesitate under oath to swear that it functions at the 100-point-zero-zero percent, but we believe that because of the multiple layers we built into it, everything from where you sleep to the pass to get into the dining hall, that we have done everything we can to track the personnel who are traveling to Afghanistan.

Senator AKAKA. Thank you.

Dr. Stanley, DOD relies on the Joint Personnel Statistics System to provide information on its deployed civilians. This system provides the most accurate information available for the location of de-

ployed civilians when they swipe their identification cards. However, if employees do not swipe their cards, they are not tracked.

Have you had problems with civilians not swiping their cards, and how are you ensuring that all DOD civilians deployed to a conflict zone do swipe their cards so the Department knows where they are?

Dr. STANLEY. Yes, Mr. Chairman. We have had problems with civilians not swiping their cards. The manual system that you have alluded to, the Joint Personnel Statistics System, we are actually in the process now of transitioning to an automated system. But the operative word here is "in the process." It is not there yet, but we are getting there, and so it is improving, but it is not perfect yet.

Senator AKAKA. Well, let me ask my final question to Ambassador Kennedy. Last December, this Subcommittee held a hearing on the challenges facing the State Department's Bureau of Diplomatic Security (DS). One particular concern has been providing security to our civilians who are serving in areas of increased danger. I understand that the military provides security for civilians in the field. However, when the military begins to leave Afghanistan, a greater security burden will be placed on DS.

How is the State Department planning for this transition?

Ambassador KENNEDY. Mr. Chairman, if I could, let me cite the example of Iraq, because at the moment, whereas the withdrawal of the Department of Defense personnel from Afghanistan is a future event, active planning and withdrawal is actually underway in Iraq now and the State Department will be staying behind at a number of installations in Iraq after the military leaves.

We are engaged, I think, in that level in three dimensions. First of all, we will deploy additional Diplomatic Security Special Agents to Iraq as required. We have created and are recruiting a new category under the Foreign Service Act, Special Protective Services Personnel. These will not be Federal Special Agents, but they will be State Department employees, military or law enforcement background, who go through special training, and they will be deployed to Iraq and then obviously to Afghanistan at the time that arrives to oversee the contracted workforce.

There are only some 1,700 Diplomatic Security Federal Special Agents in the entire world and we simply do not have the capability with Federal employees to match the 82nd Airborne or the Fourth Infantry Division. So our plan, Mr. Chairman, is to use contractors overseen very specifically and very directly by the Diplomatic Security Special Agents or the Diplomatic Security Special Protection Personnel.

The third dimension is we are expanding our aviation capability, both rotary wing and fixed wing, in Iraq and in Afghanistan to be able to move personnel around the country in a safe and secure means using aviation assets in Iraq, at least, that today are owned by the U.S. Government, but which are crewed by contracted personnel. So this is something that Eric Boswell, the Director of the Diplomatic Security Service, has on his plate. He and I must talk at least once a day about our efforts in Iraq, and we see the model that we are putting in place in Iraq will be, with obviously changes

from the lessons we learned, the model that we will put into place in Afghanistan when that time comes, sir.

Senator AKAKA. Well, let me ask a few more questions. Dr. Stanley and Ambassador Kennedy, both the Department of State and DOD run their own pre-deployment training programs for civilians who will participate in contingency operations, reconstruction and stabilization efforts, and other key overseas operations.

To what extent do your departments coordinate in developing and executing this training in order to maximize its efficiency and effectiveness? Dr. Stanley.

Dr. STANLEY. Mr. Chairman, I believe we coordinate. I know we work together. Even the legislation that is proposed enhances that, or works toward better coordination with that. Our training is open to State Department and other Federal employees, in general, and Federal employees basically go through our training.

Now, having said that, I am a kind of person that always believes that whatever you do, you can do better, and so by working together, as we work together, I believe that we move in that direction.

Senator AKAKA. Mr. Ambassador.

Ambassador KENNEDY. Mr. Chairman, I would certainly agree with my colleague. Anything one can do can always be done better. I think there are two dimensions to this.

We are very pleased with our joint efforts with our Department of Defense colleagues at Camp Atterbury, Indiana. This is a major step forward. It has the facility of creating the environment of Afghanistan, very important, coupled with the ability to work with members of the Indiana National Guard on that all-important State and Defense Department cooperation in the field. So that partnership exists, I think, to a high degree.

On the other side, we have large numbers of Department of Defense personnel, usually from the Defense Intelligence Agency, but also from the Defense Security Cooperation Agency (DSCA) and others, who come to the State Department's National Foreign Affairs Training Center at Arlington Hall to take the cross-cultural courses we offer, to take the language courses that we offer, to take a course that we just call "Working at an Embassy" to acquaint the Department of Defense personnel about what it is like to work at an embassy if they are assigned closely to work with those people.

We also run on our own, because the security training that we give civilians is different from the security training that the military gives its personnel. I will train a civilian to shoot. I am not going to give him or her a gun unless they are a qualified law enforcement professional. But we train them in driving skills for an emergency. We train them in the use of firearms in extremis, if their security personnel are down. We train them in first aid so that they can act as sort of a first echelon emergency medical technician or trauma, so that they are prepared for that regard.

So we do have these packages and we work very closely with the Department of Defense, and, as I said, our National Foreign Affairs Training Center is open to any State Department employee, and we are also open to any U.S. Government civilian employee from the Defense Department or any other agency. And our National Foreign Affairs Training Center works very closely with OPM and the

Department of Defense—regular consultations and regular planning to make sure that we are going forward in the right direction.

I guess the last point I might make is we also send both active duty and retired State Department personnel to a variety of military training exercises so they can bring the ambassadors' perspective, the country team perspective, and the overseas perspective to exercises that the 82nd Airborne or U.S. Southern Command (USSOUTHCOM) or USCENTCOM might be doing, again, to build the common structures that we need to go forward.

Senator AKAKA. Thank you.

Ambassador, you testified that your Family Liaison Office provides families of employees serving on an unaccompanied tour with a single point of contact for information, emotional support, and assistance. Does a Family Liaison Office provide support to the families of Federal civilians who are not State Department employees but serve under a Chief of Mission's authority?

Ambassador KENNEDY. Our Family Liaison Office does help the personnel of other agencies, and we are, in fact, in discussion with and we will continue that discussion with other agencies. As more and more civilians from other agencies are deployed overseas, we need to beef up that office, and so we will be engaging in discussions with them about helping contribute to that effort. But our Community Liaison Office at post and our Family Liaison Office in Washington is very much involved in outreach to other agencies. Could we do better? Absolutely, yes. Is the foundation there? Equally, yes.

Senator AKAKA. Ambassador Kennedy, the State Department's Afghanistan and Pakistan Regional Stabilization Strategy calls for creating a cadre of civilian experts on Afghanistan and Pakistan with personnel who have completed tours in those countries. Could you please comment on how the Department will assemble and sustain this group of experts?

Ambassador KENNEDY. Mr. Chairman, I am going to have to get back to you for the record, sir. I know that the State Department makes every effort to convince State Department employees who have served in a region of the world to return to that region of the world. In fact, we offer language incentives for people to keep that up. So we have internal to our processes an effort to recruit people to go back again at successively higher levels of expertise.

I think what you may be referring to is a program that we have been in discussion with Special Representative Ambassador Holbrooke, about creating this corps of specialists, and particularly in Afghanistan. Let me get the details of that for the record. It is a program that the State Department is supporting.

Senator AKAKA. Yes. Ambassador, I understand that some agencies will have to greatly increase their presence in the Standby CRC to meet the fiscal year 2010 goals. For instance, the Department of Homeland Security has zero participants in the Standby Corps and a fiscal year 2010 goal of 28. What actions will the State Department take in cooperation with other agencies to meet these staffing goals?

Ambassador KENNEDY. Mr. Chairman, John Herbst, who is the Director for the Secretary of the Civilian Response Corps, is in, I would almost say, daily consultations, communications, task forces,

and other working groups with every agency across the government. Obviously, this is something, Mr. Chairman, that is very new to the government, the idea of pooling civilian resources in the way the military can assemble a task force composed of Army, Navy, Air Force, and Marine, and as appropriate, Coast Guard service members.

This is something very new. We just received the authorization to establish this only 18 months ago. Some agencies have been faster than others in signing up and contributing personnel. So it is very much a work in progress and is something that Mr. Herbst spends all day long working on.

Senator AKAKA. Well, I would like to thank all of our witnesses for being here today. Our Federal civilians have a vital role in supporting the U.S. mission in Afghanistan as well as other areas facing crises around the world. I am encouraged by the efforts of DOD and the State Department to strengthen training for these civilians. I am also pleased that your agencies have worked so diligently to bring about greater consistency for benefits and compensation for deployed civilians.

The hearing record will be open for 2 weeks for additional statements or questions other Members may have.

Really, this has been a great hearing for me and for the Subcommittee and I look forward to working with you in case there is legislation that is necessary to bring these improvements about. We can work together to do that. We are doing all of this to try to help our civilian force to continue to provide the kind of service they do for our great country.

Mr. BERRY. Mr. Chairman, if I could, before we end——

Senator AKAKA. Director Berry.

Mr. BERRY. With your indulgence, sir, I would just like to call on and recognize one person who has done an incredible job for which we could not have brought you the successful proposal we did without him. He is our White House Fellow. He is an active Major in the U.S. Army. His name is Ken Robbins. He is with me today. He has done an incredible job working with our career people at the Office of Personnel Management, Jerry Mikowicz and others. But I believe it was his leadership that helped to really bring this home, and I want to personally thank him, not only for his service to our country and in active duty military, but in his incredible leadership this year as our White House Fellow.

Senator AKAKA. Thank you very much. Mr. Robbins, will you please rise?

[Applause.]

Again, let me also thank you for your service to our country. We look forward to your further service as we try to improve the quality of medical benefits and compensation that we owe our civilian workers. So thank you very much.

With that thank you, this hearing is adjourned.

[Whereupon, at 4:16 p.m., the Subcommittee was adjourned.]

APPENDIX

STATEMENT OF
JOHN BERRY
DIRECTOR, U.S. OFFICE OF PERSONNEL MANAGEMENT

before the

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANGEMENT, THE
FEDERAL WORKFORCE AND THE DISTRICT OF COLUMBIA
COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

on

"DEPLOYED FEDERAL CIVILIANS: ADVANCING SECURITY AND
OPPORTUNITY IN AFGHANISTAN"

April 14, 2010

Chairman Akaka, Ranking Member Voinovich, and Members of the Subcommittee:

Thank you for bringing attention to the vital role of our civilian employees who are deployed to Afghanistan, Iraq, and other areas of armed conflict, and for inviting me to discuss the work we've been doing at the Office of Personnel Management (OPM) to ensure that they are appropriately supported and compensated.

When Federal civilian employees are deployed to areas of armed conflict, they understand that they may face extraordinary challenges to their personal safety as well as to their ability to get the job done. Deployed civilian employees are essential to the Government's mission, and the pay and benefits they receive must reflect the vital services they provide. We at OPM are committed to recruiting, retaining, and honoring a world-class workforce to serve the American people. This commitment includes doing all we can to help ensure that deployed civilians receive fair and accurate compensation and benefits in a timely way.

Let me begin by briefly reviewing the principal pay and benefits provisions that apply to Federal civilian employees deployed to Afghanistan, Iraq, and similar areas of armed conflict. There are, of course, special authorities that apply specifically to Foreign Service employees or Defense Department employees, and the Departments of State and Defense are in a better position to discuss those. I will conclude by describing how OPM has been working with State, Defense, and other agencies to see where we need to do more for our deployed civilian employees.

Federal civilian employees deployed overseas, whether to areas of armed conflict or not, generally continue to serve under their normal pay system and receive pay and benefits that are granted to Federal employees generally, as entitlements, such as annual pay adjustments, overtime pay, annual and sick leave, and health and life insurance. Some of

these entitlements are enhanced for employees serving overseas. For example, the ceiling on the amount of annual leave that may be carried over to the next year is 360 hours for employees serving overseas, compared to 240 hours for those serving in the U.S. Also, deployment to Afghanistan or Iraq is considered "a life event" that allows employees an opportunity to elect different health insurance coverage or enhanced life insurance coverage.

Employees serving in areas of armed conflict may also be eligible for human resources flexibilities that are granted on an individual basis. These include recruitment, retention, and relocation incentives based on staffing needs for particular occupations or grade levels of work, special requirements of the mission, and unusually high or unique skills of individual employees. Quality step increases, performance awards, and cash awards are other examples of human resources flexibilities that can be used to reward good performance for those deployed, as they are for other employees.

Just as in the United States, employees working side-by-side overseas may serve under different pay systems, in addition to having somewhat different benefits. These differences are often based on different mission and workforce requirements and are the result of separate laws that have been authorized by Congress over many years. While the primary pay systems under title 5, United States Code, are the General Schedule, Federal Wage System, and Senior Executive Service, many employees overseas are covered by the Foreign Service, the intelligence agencies' pay systems, or agency-specific authorities. For several years, various Defense Authorization Acts have provided temporary authority to allow agencies not otherwise covered by the Foreign Service Act to pay certain Foreign Service benefits to other Federal civilian employees serving in Iraq and Afghanistan. This has helped considerably to provide a more comprehensive and consistent approach to benefits for Federal civilians in areas of armed conflict.

In addition, all civilian employees working overseas receive a number of basic compensation entitlements, such as post differentials and danger pay, under the Department of State's Standardized Regulations. The Standardized Regulations also provide for quarters allowances, cost-of-living allowances, payments during evacuations, and other related benefits, as applicable. Danger pay and post differential are both authorized by title 5 of the United States Code, and the law allows the Secretary of State to provide a common regulatory framework for all civilian employees overseas. In Iraq and Afghanistan, the hardship differential and danger pay are each equal to 35 percent of basic pay. Together, these two entitlements provide for well-deserved additional payments of 70 percent of basic pay to recognize the extraordinary commitment and service of deployed civilians under very dangerous and stressful conditions.

Authorities Administered by OPM

Let me take a moment to describe two temporary authorities OPM administers with respect to civilian employees in Iraq and Afghanistan. The Departments of Defense,

Labor, and State administer other special provisions, and those agencies are in the best position to describe the unique features of the programs they administer.

Under temporary law, OPM administers and provides guidance to agencies and employees for two special provisions. The first affects premium pay, which includes overtime pay, Sunday pay, holiday pay, and night differential. For employees deployed to Afghanistan and Iraq, the law permits a higher ceiling to be applied to the amount of premium pay they can earn. For these deployed civilians, the premium pay ceiling is the Vice President's salary (\$230,700 in 2010), rather than the lower rate applicable to employees generally (the higher of level V of the Executive Schedule (\$145,700 in 2010) or the applicable GS-15, step 10, rate).

The second special provision OPM administers is the higher limit on aggregate compensation, which is a ceiling on the total amount of compensation under title 5 of the United States Code that a civilian employee can be paid during a calendar year. For most employees, this limit is the rate for level I of the Executive Schedule (\$199,700 in 2010). This ceiling is removed for any employee who is granted a waiver of premium pay in Iraq and Afghanistan, but the authority for this waiver is temporary.

As we have said previously, OPM believes the temporary waivers of these caps on premium pay and aggregate compensation should be made permanent for employees deployed to areas of armed conflict. With permanent legislation, employees won't have to be concerned about whether a temporary authority will be renewed as the end of the year approaches, and agencies can plan on using these important tools. The legislative proposal we have developed with our partner agencies would waive these caps permanently for employees deployed to a designated zone of armed conflict.

Our proposal

For some time, OPM has been looking at how we can do more for our civilian employees deployed to areas of armed conflict like Afghanistan and Iraq. In June 2008, OPM issued a memorandum to agency Chief Human Capital Officers describing the existing pay and benefits available to civilian employees working in areas of armed conflict and strongly urging Federal agencies to be aware of and make full use of these authorities.

OPM also has supported legislation to enhance the benefits of employees in areas of armed conflict. In September 2008, OPM wrote to the Senate and House Armed Services Committees regarding certain provisions of the National Defense Authorization Act for Fiscal Year 2009. OPM supported providing appropriate benefits to deployed employees and the extension of the temporary authorities I described a moment ago.

Most important, however, is our collaborative work over the last year with the Departments of State and Defense, as well as other agencies, to develop a legislative proposal to provide better and more consistent pay and benefits for employees in areas of armed conflict. OPM has met many times with these other agencies to share information

on the compensation and benefits available to deployed civilian employees, identify problems and gaps, discuss possible solutions, and develop a comprehensive Governmentwide approach. I am very pleased to be able to tell you that we are poised to send that proposal to Congress very shortly. While I am not yet in a position to describe all of the details of this proposal, I am very proud of the exhaustive work of OPM staff and our partners in this endeavor, and I am confident that the bill we expect to send to you in the coming days will be a great step forward in closing gaps and ensuring greater consistency in the compensation and support we provide the employees who serve so unselfishly in areas of armed conflict.

The proposal we expect to send to Congress would allow the Secretary of State, in coordination with the Secretary of Defense, to designate an area where there are exceptional levels of armed violence as a "designated zone of armed conflict". This designation would serve as the basis for certain pay and benefits allowable for Federal civilian employees working in a designated zone of armed conflict.

The draft proposal would establish a central authority, in a new subchapter of title 5 of the United States Code, for the various benefits agencies could provide to their civilian employees who serve in a designated zone of armed conflict. Many of these authorities currently exist in legislative provisions that are not found in one location and, in some cases, must be renewed each year. By placing the authorities in one central set of statutory provisions within title 5 of the United States Code, agencies and employees will easily be able to locate the benefits that are available. Moreover, by authorizing Governmentwide regulations for these benefits, we can achieve greater uniformity in the benefits available to employees of different agencies who serve together in zones of armed conflict.

The draft bill we have developed would authorize the head of an agency to grant an employee on duty in a designated zone of armed conflict certain allowances, benefits and gratuities that are comparable to those provided by the Secretary of State to members of the Foreign Service under the Foreign Service Act. Agency heads have this authority currently, under a temporary provision in the Duncan Hunter National Defense Authorization Act for FY 2009. Our proposal would make this authority permanent.

In addition, our proposal would require agencies to pay a locality payment to eligible employees serving in a designated zone of armed conflict. An eligible employee would be entitled to at least the locality pay percentage for General Schedule employees in Washington, DC. If the employee's official worksite were in an area for which a locality pay percentage higher than that for Washington, DC, was in effect, he or she would receive the higher locality pay percentage. We believe extending locality pay to these deployed civilians will go a long way toward placing their compensation on a more equitable footing.

The draft legislation we will be sending to Congress would amend other parts of title 5 to enhance current benefits. For example, the draft proposal would establish special travel and leave benefits for deployed civilian employees. This includes a proposal for

recuperation leave and related travel to provide employees a respite from working in a designated zone of armed conflict, and readjustment leave after a deployment assignment has been completed to provide employees time to rest and attend to personal matters before returning to work.

The legislative proposal would establish certain benefits related to an employee's medical care or in the case of death while in a designated zone of armed conflict. These include required pre- and post-deployment health assessments programs for employees in a designated zone of armed conflict, a gratuity for an eligible employee who sustains a qualifying traumatic injury in a designated zone of armed conflict, and continuation of pay, as authorized by the Federal Employees' Compensation Act, for up to 135 days under the Department of Labor's injury compensation program, in the event of traumatic or occupational injury in the performance of duty in a designated zone of armed conflict.

In closing, I want to again assure you that this effort remains one of OPM's top priorities, because we believe it is vital to do all that we can to ensure that civilian employees who put their lives on the line for the American people are appropriately rewarded and supported by the Federal Government as their employer.

Thank you again for the opportunity to discuss this important issue with you. I would be happy to respond to any questions you may have.

**STATEMENT OF AMBASSADOR PATRICK KENNEDY,
UNDER SECRETARY FOR MANAGEMENT
DEPARTMENT OF STATE**

BEFORE THE

**SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT, MANAGEMENT, THE
FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA
SENATE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL
AFFAIRS**

**HEARING
ON**

Deployed Federal Citizens: Advancing Security and Opportunity Abroad

April 14, 2010

Chairman Akaka, Ranking Member Voinovich, and Members of the Subcommittee, thank you for this opportunity to appear before you today. I appreciate your ongoing interest in the State Department's efforts to train, prepare, and support our employees serving overseas, particularly in places such as Afghanistan, Pakistan, and Iraq. Dedicated men and women are working around the world, and around the clock, to advance our national interests. These civilians are doing vitally important work under increasingly challenging, difficult and dangerous conditions. The safety, security and welfare of these deployed civilians are a top priority for the State Department, Secretary Clinton, and me.

The State Department's global mission and operations have always required people to live and serve overseas. However, the breadth and depth of world issues continues to grow our mission is expanding. Two-thirds, or 184 of our State Department posts, currently are designated as hardship posts. More than 900 positions are at posts classified as "unaccompanied" or "partially unaccompanied" because of dangerous conditions – an increase from just 200 such positions in 2001. In addition, civilians now serve directly alongside their deployed military service counterparts in numerous locations in Iraq and Afghanistan.

Throughout the past eight years, the Department reviewed its previous practices and constantly incorporated lessons learned from Iraq and Afghanistan to refine our assignment process and programs; augment its training for deployed civilians, provide additional support to family members, and establish a more robust medical support network. We explored alternate models of addressing the expanding foreign policy mission and, with support from Congress, created a Civilian Response Corps in October 2008 that can deploy quickly to support reconstruction and stabilization operations.

While the State Department continues to evaluate and analyze its internal policies and procedures, we also are committed to collaborating with our interagency colleagues. We appreciate the efforts of the Office of Personnel Management (OPM) in bringing together experts from the Departments of State, Defense (DoD) and, on key issues, Labor to share best practices and jointly begin developing a standard benefit package that would be available to all Federal civilian employees serving in zones of armed conflict.

DEPLOYMENT INCENTIVES AND PROGRAMS

Our missions in Afghanistan and Iraq always have been fully staffed with volunteers. In turn, the Department has focused on ensuring that these volunteers are prepared, trained, compensated and supported before, during and after their assignments. In recognition of the personal risk and hardship to our employees, we have strengthened the compensation and benefit package received when serving in Iraq and Afghanistan.

These employees receive a compensation package of incentives and benefits comprised of the following. All receive the maximum hardship differential and danger pay allowance allowed by law, totaling an additional 70% of an employee's basic pay. With the exception of political appointees, Senior Foreign Service, and the Senior Executive Service, employees receive overtime, or a comparable payment, to compensate for the long hours that extend the work week far beyond 40 hours. Employees also are offered several Rest and Recuperation (R&R) trips during their one-year tours and can choose to return to the U.S. or take R&R within the region. We offer administrative leave to facilitate the employee's ability to actually take these R&R trips. And we supported legislation that increased the annual premium pay cap to

equal the Vice President's salary and eliminated the aggregate pay cap for eligible employees serving in Iraq and Afghanistan.

We also established certain incentives specific to the Foreign Service. For example, Selection Boards are reminded that as they consider those eligible for promotion, they recognize that service at posts, like Iraq and Afghanistan, is done under exceptionally challenging circumstances in fulfillment of our foreign policy priorities. Moreover, support for our employees and their families during and after their assignments is critical. With 18 posts around the world designated by the State Department as "unaccompanied" or "partially unaccompanied" posts, we realized the importance of addressing the challenges invariably faced when families are separated for extended periods. Our Family Liaison Office (FLO) addresses these specific challenges. For example, we have established two positions in that office dedicated solely to working with the families of employees serving on an unaccompanied tour. These professionals provide the families with a single point of contact for information, referrals, emotional support, and assistance through personal consultations, e-mails, newsletters, phone calls, print and online publications, and group briefings. The Department also contracted with MHN (formerly Managed Health Network) to provide 24/7 access to a customized Web portal, telephone hotline, and face-to-face counseling sessions with a clinician for any family members residing outside the Washington, D.C. area. In addition, to address the unique needs of children with deployed parents, we developed individualized, age-appropriate handbooks to help State Department children understand and cope with the stress of having a parent serving on an unaccompanied tour. The Department recognizes the sacrifices of these children and therefore created a special "medal" that is presented to each child along with a certificate of recognition.

REQUISITE TRAINING AND MEDICAL SUPPORT FOR WORKING IN THE HIGH STRESS ENVIRONMENTS

Training is a prerequisite for all employees serving overseas. Through training offered at the Department's National Foreign Affairs Training Center and elsewhere, we ensure that our employees have the cultural awareness and necessary knowledge to perform in all overseas environments. In particular, we emphasize this training requirement for civilians serving in combat zones.

The existing mandatory training for all U.S. government civilians assigned to Afghanistan is extensive. In addition to a one-week mandatory security training course, we provide a one-week Afghanistan Familiarization course for all Federal government civilians from 10 agencies assigned to Afghanistan. All civilians who will work outside Kabul in the provinces, districts, or regional platforms, and those who will support them from our embassy in Kabul, are required to take two additional weeks of training, a field-work focused "Provincial Reconstruction Team Orientation" course for all civilians plus integrated civilian-military field training at the the Department of Defense's Muscatatuck Urban Training Center in Indiana. This integrated civilian-military training ensures that civilians are prepared to work with their military counterparts in Afghanistan from the first day they arrive in-country. And, training waivers are rare.

Civilians serving in combat zones are exposed to stress levels comparable, at times, to those experienced by military personnel. To facilitate the capacity of our employees to recognize and handle the inherent stress of working in these types of environments, all employees assigned to Afghanistan and Iraq attend mandatory pre-departure sessions designed specifically to familiarize them with security issues unique to combat zone assignments, alert them to the causes and the signs of stress-related conditions, and provide them with techniques for managing the stress of being in a combat zone. In addition, they receive information about resources available that can provide needed support and assistance while they are in the field. Following any high stress assignment—including, but not limited to, those in Afghanistan and Iraq — our training operation, supported by the Office of Medical Services, conducts a mandatory "High Stress Outbrief" program intended specifically to assist employees in recognizing Post Traumatic Stress Disorder (PTSD). Employees who cannot attend the course in Washington, can arrange to receive this outbrief through our health units at our Embassies abroad. We also offers over an INTRANET links a distance learning course to help those who are managing employees who previously worked at high-stress posts.

Recognizing the need for additional support services, the Office of Medical Services (MED) established a Deployment Stress Management Program (DSMP) with a board-certified psychiatrist serving as the Director supported by two social workers. It provides information, referrals, initial assessment, and brief treatment for all stress-related problems, including PTSD. It also provides resiliency training as an important element of our overall training for all

deploying civilians under the Ambassador's authority. This medical support unit is not working alone. Additional mental health practitioners are assigned to the Health Units in Kabul and Baghdad and supported by our regional psychiatrists in Amman, New Delhi, and Washington, D.C. They are tasked to provide strategies for stress management, PTSD screening, and initial treatment for all personnel under the Ambassador.

Employees who are identified as possibly suffering from stress-related disorders and who require treatment that is not locally available can return to Washington, D.C. for a six- to seven-week program of treatment. The goal of this program is to enable the majority of participants to return to full-duty and so far all five employees treated within the program have returned to work. Employees who incur work-related medical conditions are eligible for a wide variety of benefits under the Federal Employees' Compensation Act, including medical and wage loss benefits. To facilitate continued monitoring, there is a follow-up PTSD screening initiative for Department of State employees who have served in combat zones since 2002 and we are in the process of establishing a personnel tracking mechanism for civilians deployed to Iraq and/or Afghanistan.

CIVILIAN RESPONSE CORPS AND OTHER RECONSTRUCTION AND STABILIZATION PERSONNEL

In 2004, the State Department established the Office of the Coordinator for Reconstruction and Stabilization, whose mission is to lead, coordinate and institutionalize U.S. government civilian capacity to prevent or prepare for post-conflict situations and to help stabilize and reconstruct societies in transition from conflict and/or civil strife so they can achieve a sustainable path toward peace and democracy. The State Department leads an interagency effort to significantly improve the ability of the U.S. to respond to conflict and create a civilian counterpart to the military that is ready and capable of assisting countries in transition from conflict and instability. The resulting the Civilian Response Corps (CRC) was authorized under the Reconstruction and Stabilization Civilian Management Act of 2008 (title XVI, P.L. 110-417) (RSCMA), in October 2008. The CRC, building on our experience in Iraq, is comprised of Active and Standby members from eight departments and agencies of the federal government, including the State Department and USAID.

Its primary mission is to respond to crises in countries that are failed or failing, not just in combat or war zones. Over 75 CRC members and other personnel from the Office of the Coordinator for Reconstruction and Stabilization have deployed to Afghanistan at varying times. A number of members also are currently deployed to Sudan and the Democratic Republic of Congo and have been actively engaged conducting Interagency Conflict Assessment Frameworks in a number of countries, including East Timor, Liberia, Yemen, and Kyrgyzstan.

The statute which authorized the creation of the CRC included language that authorizes many of the same benefits for the Civil Service members of the CRC as are authorized for the Foreign Service.

LOOKING AHEAD

We have been working with our colleagues at OPM, DoD and the Department of Labor to develop a legislative proposal that would regularize the benefits available to all Federal civilian employees serving in "zones of armed conflict", make permanent essential temporary authorities granted in previous legislation, and address the concerns we share with Congress and the Government Accountability Office (GAO) about the well-being of our civilian employees, both during and following service in zones of armed conflict. For example, we are developing proposals to provide permanent authority for a higher premium pay cap and elimination of the aggregate pay limitation so that employees serving in a zone of armed conflict are able to receive enhanced payments under our incentive and benefit package. This authority, critical to maintaining the value of our benefits package, is currently only temporary and must be reauthorized annually. This interagency group also has addressed other concerns as well, including much needed rest and recuperation travel and leave, emergency visitation travel in case of family emergencies while deployed, and home leave and readjustment leave, with the goal of regularizing authorities across the agencies. We look forward to working with Congress to support all federal civilian employees serving in zones of armed conflict.

Our civilian employees and their families deserve comprehensive support before, during, and after their overseas assignments. The need is particularly great for those serving at our most difficult and dangerous posts. We recently remembered Terry Barnich, a colleague who was killed when his vehicle struck an improvised explosive device in Iraq, and also mourned the loss of Victoria Delong who died in Port-au-Prince during Haiti's catastrophic earthquake. The Department is committed to providing benefits and programs that support our employees and their families as they serve our nation around the globe.

40

WRITTEN STATEMENT OF
DR. CLIFFORD STANLEY
UNDER SECRETARY OF DEFENSE
(PERSONNEL & READINESS)
DEPARTMENT OF DEFENSE

before the

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT,
THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA
COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL
AFFAIRS
UNITED STATES SENATE

on

DEPLOYED FEDERAL CIVILIANS: ADVANCING SECURITY AND
OPPORTUNITY ABROAD

April 14, 2010

Chairman Akaka, Ranking Member Voinovich, and Members of the Subcommittee:

On behalf of the Secretary of Defense, Robert M. Gates, I would like to thank you for inviting the Department of Defense (DoD) to appear at this hearing today to discuss the Department's efforts to build an improved and reliable capability within the DoD civilian workforce that is ready, trained, and cleared to support DoD operations, contingencies, emergencies, humanitarian missions, stability and reconstruction operations and combat operations.

First, let me emphasize, the Department of Defense has a long and proud history of civilians supporting our U.S. Armed Forces in military operations around the world. The structure of the Armed Forces is based on the Total Force concept, which recognizes all elements of the structure—active duty military personnel, reservists, defense contractors, host nation military and civilian personnel, and DoD Federal civilian employees—contribute to national defense.

From the end of the Revolutionary War where civilians were responsible for supplying the military, to recent engagements in Bosnia, Kosovo, Kuwait, and to the more immediate engagements in Iraq and Afghanistan, the Department has relied upon its civilian personnel to support a range of essential missions, including intelligence collection, criminal investigations, weapon systems acquisition and maintenance, stability and reconstruction, vehicle and equipment maintenance, strategic communication and public affairs, disaster relief, financial management, and human resources management – to name a few.

However, the terrorist attacks of September 11, 2001, were a seminal event for the Department, and prompted the Department to begin a significant transformation of the DoD civilian workforce, including the institution of a greater expeditionary capability in our civilian workforce. Today, that expeditionary capability is known as the Civilian Expeditionary Workforce (CEW).

My testimony, today, will focus on (1) the Civilian Expeditionary Workforce (CEW) capability, (2) the Department's initiatives to effectively train and prepare civilians for expeditionary missions in Afghanistan, (3) the support provided to our civilians in Afghanistan, (4) proposed legislation to codify and

standardize benefits for Federal civilian employees while serving in a designated zone of armed conflict, and (5) the Department's actions to address the Government Accountability Office recommendations.

SETTING UP THE CIVILIAN EXPEDITIONARY WORKFORCE

In the wake of the wars in Iraq and Afghanistan, as well as current armed conflicts and natural and manmade disasters that pose threats to regional and international peace, we have learned effective responses require the blend of military power and civilian capabilities. These situations require multi-dimensional operations composed of security, intelligence, humanitarian, economic development, ministerial support, and other complex contingency operations. Military forces can quickly affect the dynamics of a contingency operation and may create the conditions necessary to make significant progress in mitigating or resolving underlying conflict or dispute. However, we have also learned many of these complex operations require civilian involvement, referred to as smart power.

The economic and diplomatic tenets of smart power are in many ways the extension of past U.S. foreign programs such as the Marshall Plan. Secretary Gates outlined the Department's new approach in a speech in 2008, stating: "We cannot kill or capture our way to victory." He said the biggest threats to U.S. security "emanate from fractured or failed states," and to combat them the Pentagon needs to engage these countries in a way "that reduces the need for direct U.S. military intervention." In his message, the Secretary conveyed our country must strengthen other important elements of national power both institutionally and financially, and create the capability to integrate and apply all of the elements of national power to problems and challenges abroad. He stated: "I am here to make the case for strengthening our capacity to use "soft power" and for better integrating it with "hard power." Most recently, the Chairman of the Joint Chiefs, Admiral Michael Mullen, stated in a speech that Secretary Gates has called for more funding and more emphasis on our smart power. Admiral Mullen said: "Should we choose to exert American influence solely through our troops, we should expect to see that influence diminish in time."

The stakes in Afghanistan are high. President Obama's strategy to disrupt, dismantle, and eventually defeat al Qaeda and prevent their return to Afghanistan has laid out a clear path of what we must do. In March 2009, President Obama stated, "Our troops have fought bravely against a ruthless enemy and our civilians have made such great sacrifices. Now we must make a commitment that can accomplish our goals." Accomplishing the mission laid out by the President demands a strong emphasis on operations where civilian expertise and skill-sets are fully integrated with military plans. By leveraging the Total Force capability in Afghanistan, we are focusing on improving operational effectiveness and reducing the tempo of operations, helping to reduce the stress on our military personnel – a top Department priority, integrating civilian talent to support non-war fighting requirements, and developing a reach back capability for current and future requirements.

These challenges require significant organizational structural changes to embed a civilian capability that is ready, trained, and prepared to participate in and support military operations swiftly and competently, and one that provides for competent and compassionate continuum of support and care for our deployed civilians.

In response to these expeditionary missions, the Department developed a new framework through which an appropriately sized subset of the DoD civilian workforce is pre-identified to be organized, trained, and equipped in a manner that facilitates the use of their capabilities for operational requirements. These requirements are typically away from the normal work locations of DoD civilians, or in situations where other civilians may be evacuated to assist military forces where the use of DoD civilians is appropriate. These employees are collectively known as the Civilian Expeditionary Workforce (CEW).

DoD civilian employees are also an integral part of the Global Force Management Allocation system, which consists of two specific supporting processes: rotational force allocation in support of Combatant command annual force needs, and emergent force allocation in support of Combatant Command emerging or crisis-based requests for capabilities and forces. CEW personnel are included in both the DoD Global Force Management process and Global Force

Management Board recommendations and decisions. Global Force Allocation Management Plans use CEW personnel as the preferred sourcing solution whenever possible and appropriate.

The CEW consists of positions designated as Emergency-Essential and Non-Combat Essential, and employee capabilities are referred to as, "capability-based" DoD employee volunteers, or CBV, who are organized, trained, and equipped for rapid response and quick assimilation in support of DoD operations. The model also provides for the maintenance of a resume bank of individuals outside government, including former DoD employees, to serve expeditionary requirements or to fill backfill requirements while employees are deployed. The Department has standardized its personnel policies for such areas as designation of positions, pre- and post-deployment physicals and psychological health assessments, job return rights, benefits, and incentives. Those whose positions are designated will receive orientation training, annual refresher training, and just-in-time pre- and post -deployment (theater-specific) training, and training for supervisors and managers on recognizing stress-related conditions that may result from serving expeditionary requirements.

DOD CIVILIAN ENGAGEMENTS IN AFGHANISTAN

In March 2009, at the conclusion of the strategic review of Afghanistan, President Obama recommended a dramatic increase in U.S. and International civilian efforts in Afghanistan. Accomplishing the mission laid out by the President has demanded a strong emphasis on operations where civilian expertise and skill-sets are fully integrated with military plans. DOD civilian employees are playing an integral role in supporting this mission. Over 8,000 DoD civilians have deployed to Afghanistan since 2001. Currently, nearly 1,600 civilians are serving in Afghanistan.

To further emphasize the need to utilize DoD's internal civilian capability in Afghanistan, the Secretary of Defense issued a memorandum on May 11, 2009, to provide guidance to DoD Components to work with the Under Secretary of Defense for Personnel and Readiness (USD (P&R)) to identify civilian employees capable of deploying to Afghanistan in support of U.S. Government (USG)

initiatives and resulting DoD requirements. This action was intended to identify a standing pool of DoD civilians ready to deploy rapidly in response to civilian capacity shortfalls in Afghanistan.

DoD civilians are also participating in the Afghanistan/Pakistan Hands (AFPAKH) program. In June 2009, the Chairman of the Joint Chief of Staff (CJCS) stood up the AFPAKH Program, a cadre of personnel who receive regional language, culture, and counter insurgency (COIN) training who are deployed to key billets in Afghanistan or Pakistan. The Chairman requested CEW representatives participate in the Afghanistan/Pakistan Hands Management Element (AME) the organization residing at the Joint Staff Pakistan Afghanistan Coordination Cell (PACC) responsible for managing the Program. Military and civilian personnel in the AFPAKH program will be placed in positions where they will engage directly with Afghan and Pakistani officials on development, stabilization, and reconstruction activities. Upon completion of their deployment, they will be assigned to an out-of-theater billet where their in-country experience will be applied by working Afghanistan or Pakistan issues.

DoD civilians are also participating in the management of the Ministry of Defense Advisors (MoDA) Program in Afghanistan, which is designed to assist international partners to improve Ministry of Defense and Ministry of Interior level competencies such as personnel and readiness, strategy and policy, and financial management. The CEW has helped developed the 7 week training course for the MoDA program that will begin on May 10, 2010, and will include 10 days at Camp Atterbury, Indiana.

CUTTING EDGE TRAINING FOR DOD CIVILIANS SERVING IN AFGHANISTAN

The Department recognizes preparation is essential to effectively transition civilians from desk to deployment and to be a productive and contributing member of the team "on day one." The Department implemented a joint, pre-deployment training program in January 2010 at the Indiana National Guard Camp Atterbury Joint Maneuver Training Center, and Muscatatuck Urban Training Center for employees deploying to Iraq and Afghanistan. The 10-day training is a one-stop, fully integrated training and pre-deployment platform. The training consists of an

intense mix of classroom and field exercises, providing a learning environment where the austere setting simulates the conditions of deployment and helps strengthen emotional and mental resilience.

Instructors are leaders in their field from organizations such as the U.S. Institute of Peace (USIP), the Defense Center of Excellence (DCoE) for Psychological Health and Traumatic Brain Injury (TBI), the United States Agency for International Development (USAID), the Department of State (DoS), the National Defense University (NDU), the Indiana Regional Training Institute (RTI), and U.S. active duty military and DoD civilian experts.

The curriculum and field exercises are specifically designed and timed to develop capabilities around four themes: Know Yourself, Know Your Organization, Know Your Environment, and Know Your Response. Every day, the students apply what is learned in the classroom with closing practical exercises building on the previous day. The course has applicability for a wide audience from Mine Resistant Ambush Protecting Vehicle (MRAP) mechanics to Senior Policy Analysts, and is open to non-DoD Federal employees.

THE CURRICULUM

This section describes in some detail the training that is provided. What is described here is a typical 10-day curriculum aimed at those who have not previously deployed or been trained. The curriculum was designed to be scalable, and an abbreviated 5-day course is provided to those who have deployed multiple times to a theater of operation. The following is a brief description of the learning modules, by each of the four learning themes:

THEME: Know Yourself. The stage is set with an individual assessment of each student's capability to build an effective team and to be a productive member of a team. Students learn how to best leverage their own talents and differences as well as those of others to form a cohesive team. Throughout the training, students continuously hone these skills in simulation and other practical exercises. Students are introduced to the "real life" challenges and experiences of deployments from the testimonies of other civilians who have previously deployed. A Secure Video Teleconference (SVTC) with our Chief, Human

Resource Advisor in Afghanistan establishes the first real “friendship” in theater for our students. Our Advisor acquaints students with the living and working conditions and, importantly, personalizes the support deployed civilians can expect to receive while in theater. Students also are introduced to techniques to effectively understand and deal with the stress that is often exacerbated by extended working hours, the austere environment, and the extended absences from family and friends. Experts from the Defense Center of Excellence (DCoE) for Psychological Health and Traumatic Brain Injury (TBI), to specifically address Post Traumatic Stress Disorder (PTSD) prevention. Other experts discuss emotional resiliency, physical fitness and wellness, and sustaining effective relationships with family, colleagues and friends. Students learn to use SKYPE as a means of staying connected to their family and friends. Students are provided extensive information about their benefits and incentives while deployed and provided tools for calculating their salaries.

THEME: Know Your Environment. Simply put, people will generally not perform effectively unless they know and feel safe in their environment. Civilians who deploy are no exception. While many factors in our work environment determine whether we work efficiently and in a manner that promotes good health and safety, the focus of this module is on building familiarity with national security, military strategy, interagency partnership, counter-insurgency (COIN) strategy, stabilization and reconstruction; the Uniform Code of Military Justice (UCMJ); language, culture, using interpreters effectively; counter-surveillance, military communications; and Improvised Explosive Device (IED) familiarization. Students are issued equipment and instructed on how to properly wear, care for, and use their equipment in emergencies; receive hands-on exercises on how to perform various types of first aid depending on the wound; how to transport a casualty; and how to request Medical Evacuation (MEDEVAC) assistance. Students learn vehicle and weapons familiarization by experiencing a simulated High Mobility Multipurpose Wheeled Vehicle (HMMV) rollover and fire a variety of weapons on the range. This module is taught in a degraded living environment, where students move from their “college dorm-like housing” to a Forward Operating Base (FOB) and living conditions are austere. Students must adjust to limited running water, communal housing, portable outhouses, Meals Ready to Eat (MRE), and a very limited food selection in the dining facility. This transition is designed to build adaptability and resilience to the settings encountered in theater.

THEME: Know your Organization. This module is built on a fundamental principle that the effective contributions of an individual are dependent upon leveraging organizational resources and knowing the right people. Because the organizations and people in theater are unfamiliar to many of the civilians deployed, this module builds an understanding of the in-theater organizations, their roles and relationships, and their organizational cultures and structures. The learning helps guide students towards productive and contributing behaviors “on day one.”

While still at the FOB, students learn about the U.S. organizations in theater, military and civilians operations at the Platoon, Brigade, Regimental and Combatant Command levels, Civilian-Military (CIV-MIL) integration, the policy and field operations of the DoS, USAID, the U.S. military and decision making structures of coalition partners. Afghan role players help students understand the Afghan local and governmental structures.

THEME: Know Your Response. In theater, every interaction requires one be prepared to respond quickly to the unique demands of the environment and have the best decision support available. This module helps give students the best chance to respond quickly and get it right the first time. Students learn adaptability training; effective work practices in fluid environments; how to monitor and evaluate progress using benchmarks related to theater operations; Survival, Evasion, Resistance, Escape (SERE); conflict assessment and management; effective communication training with an interpreter; Afghan culture, customs and etiquette; cross-cultural problem solving; how to engage the local population; traditional value systems; methodology and tools for making effective decisions in uncertain, chaotic environments; improved conflict resolution techniques; and how to interact and solve problems across different cultures, ethnic groups, languages and governments—both national and local.

The training culminates with six vignettes where “real life” situations encountered in theater are simulated and students are asked to apply the knowledge they have gained throughout the course. Students travel by convoy and helicopter to meetings with Afghan counterparts played by Afghans, and role-play various scenarios. These scenarios are filmed and studied later to provide

students with an opportunity for self-reflection and feedback. Instructors serve as mentors and coaches and help the students ameliorate any shortcomings. The scenarios require students to work through interpreters to collect information, build relationships, and navigate sensitive situations with Afghan authorities, officials, religious leaders and villagers. Students are taught convoy security training and jointly plan their missions with the Indiana National Guard, providing hands-on Civ-Mil experience for both parties. Graduation is held in a ravaged building where students dine on the floor, are served a traditional Afghan dinner prepared by their Afghan role players and enjoy traditional Afghan entertainment.

The curriculum is at the cutting edge of several new approaches for training our personnel for deployment. The lessons learned here will help formulate policy across the Department. Trend lines are showing the Department will look to the CEW to make greater contributions in the future, and that a trained and ready civilian force is force multiplier for current and future operations.

Centralized Deployment Center. The Department has a long-standing challenge in providing consistent, pre- and post-deployment processing and reintegration preparation. In Indiana, we are also piloting pre- and post-deployment mobilization for civilians where students process through various stations that provide pre-deployment medical, psychological, and dental assessments; immunizations; wills and Powers of Attorney; guidance on family care plans; overseas Geneva Convention Common Access Cards (CAC); dog tags; and assistance in filing insurance and beneficiary forms. Students also are issued the appropriate equipment and can deploy to theater right from Indianapolis. The Centralized Deployment Center is expected to be fully operational by the April training session.

LEGISLATIVE PROPOSALS TO SUPPORT DEPLOYED FEDERAL CIVILIANS

Thanks to you and other Members of Congress, we have been able to offer critical incentives and benefits to our Federal civilian employees serving in Iraq and Afghanistan. This year, we hope to obtain the most far-reaching and comprehensive benefits package for Federal civilians to date. The Department, the Office of Personnel Management (OPM), the Department of State, and the

Department of Labor have worked in partnership to develop this important legislative proposal which will provide more uniformity and transparency to the pay and benefits for deployed civilian employees. Although many of the requested authorities will be permissive, the legislation will provide for the issuance of regulations that would help ensure the uniform treatment of civilian employees across agencies. These new benefits would be in addition to those currently provided to deployed civilians assigned to Iraq and Afghanistan. For example, in Iraq and Afghanistan, civilian employees under the Department of State's standardized regulations are eligible for a hardship differential and danger pay, each equal to 35 percent of basic pay. Together, these two payments service as a recognition of the extraordinary commitment and service of deployed civilians under dangerous and stressful conditions.

Our legislative proposal would codify in title 5 the benefits Federal civilian employees are eligible to receive while serving in a designated zone of armed conflict. In doing so, the proposal would amend section 102 of the Foreign Service Act of 1980(22 U.S.C. 3902) by adding a new definition of "designated zone of armed conflict." The Secretary of State, in coordination with the Secretary of Defense, would designate areas where there are exceptional levels of armed violence. This would serve as the basis for triggering certain pay and benefits allowable for Federal civilian employees working in a designated zone of armed conflict.

The draft proposal would add a new subchapter to chapter 59 of title 5, United States Code. The new subchapter would establish a central authority for the various benefits agencies could provide to their employees who serve in a designated zone of armed conflict. Many of these authorities currently exist in the form of legislative provisions that must be renewed each year and are not found in a single legislative authority.

In addition, the proposal would amend other parts of title 5 to enhance current benefits. For example, the draft proposal would establish special travel and leave benefits for deployed civilian employees. This includes a proposal for recuperation leave to provide employees a respite from working in a designated zone of armed conflict and readjustment leave after a deployment assignment has

been completed to provide employees time to rest and attend to personal matters before returning to work. The following is a list of the specific proposals:

- Establishment of a pre- and post-deployment health assessment program at each agency deploying civilians, consistent with regulations prescribed by the Secretary of Defense or the Secretary of State, as determined by mission requirements;
- Permanent authority to provide certain Foreign Service benefits such as travel for home leave and a death gratuity equal to level II of the Executive Schedule (\$179,700 for 2010);
- A new leave category called recuperation leave, up to 20 workdays for any 12 consecutive months, to be used in conjunction with R&R travel, alleviating the use of administrative leave for such trips. Our DoD civilians singled out the authorized R&R breaks as particularly critical to maintaining a personal momentum, motivation, and level of effectiveness during deployments;
- A new leave category called readjustment leave, up to 15 workdays for any 12 consecutive months, to provide employees a period of paid time off following deployment to rest and attend to personal and family matters;
- Permanent authority to increase the limitation on premium pay earnings to the Vice President's salary (\$230,700 for 2010). This premium pay cap authority has been implemented in Iraq and Afghanistan and proven to be an important incentive to DoD employees who perform work outside of normal duty hours;
- Permanent removal of the aggregate limitation on pay (\$199,700 for most employees in 2010) so employees in zones of armed conflict are paid in the calendar year in which they work. This incentive alone permits deployed civilians to maximize their earning power in the year in which they serving. In these economic times, this incentive is most valued and appreciated;
- A standard locality pay entitlement for all civilians equal to the greater of the employee's home station or the Washington D.C. locality rate. Currently, employees on Temporary Change of Station (TCS) orders are not eligible for locality pay, and those that are eligible may receive different locality rates depending on their home

station location. The proposal would ensure that employees in zones of armed conflict receive no less than the Washington, DC locality rate;

- Special payments for senior level employees who work extended hours. Certain employees, such as members of the Senior Executive Service are otherwise barred from receiving premium pay.
- Danger pay and other overseas allowances and differentials to Highly Qualified Experts (HQE) who were previously denied such benefits.
- Payment for a traumatic injury similar to what Service Members receive;
- Amend the Federal Employees' Compensation Act (FECA) to provide for Continuation of Pay benefits (continuation of salary paid by an agency) for employees who suffer a traumatic injury or occupational illness in a zone of armed conflict for up to 135 days. FECA currently provides for continuation of pay for a maximum of 45 days and is limited to cases involving traumatic injuries.

This legislative proposal gives us a solid framework to protect and provide for our deployed civilians. The Interagency Working Group will reconvene to address additional issues that don't require legislation and are of importance to the GAO, Congress and all Federal agencies.

Additionally, DoD employees serving in Iraq and Afghanistan for 30 consecutive days or 60 non-consecutive days are eligible for the Secretary of Defense Global War on Terrorism (GWOT) medal. This medal is a campaign medal and was created to recognize and honor the contributions of our DoD civilians in direct support of the Department's contingency operations. Those who pay the ultimate sacrifice and are injured or killed in theater may be eligible to receive the Defense of Freedom medal. This medal is the civilian equivalent of the military's Purple Heart. The Secretary of Defense has authority to approve this medal for service by non-DoD civilians.

SUPPORT FOR DOD CIVILIANS IN AFGHANISTAN

DoD civilians are cared for and supported by a Centralized CEW Human Resource Office staffed by two Senior Human Resource Advisors in Afghanistan that advise civilians during pre-deployment training, and provide advisory and support services to civilians in coordination with human resource personnel from other DoD agencies that deploy a large number of civilians, such as Army Material Command and U.S. Army Corps of Engineers.

In addition, DoD has a financial management team staffed by Defense Finance and Accounting Service (DFAS) civilian pay liaisons who provide support with pay, leave and other financial issues. This team has reach-back to a dedicated staff in Indianapolis: the DFAS Expeditionary Support Organization (DESO) that specifically handles deployment-related pay and leave issues.

Centralized CEW Human Resource Offices in theater have three reach-back capabilities and work in coordination with the CEW Readiness Cell, the CEW Senior Human Resource Advisor in the U.S. Central Command (CENTCOM), and the Office of the Deputy Under Secretary of Defense for Civilian Personnel Policy (DUSD(CPP)), which provide additional assistance on matters related to compensation, benefits, medical care, and entitlements.

Currently three organizations play a vital role in DoD's Ombudsman program for deployed civilians. The CEW Readiness Cell is charged with the central management, coordination, and execution of all DoD civilian expeditionary requirements, including medical care. The CEW Readiness Cell assigns a case manager to each DoD civilian. Each case manager is responsible for approximately 22 deployed civilians. The number of deployed civilians assigned to each case manager varies based on the number of civilians deployed overseas at any given time. Case managers guide and direct all deployed civilians to available resources, provide intervention in problem claims, and work with the Service component's Injury Compensation Program Administrators' (ICPA) to help injured employees navigate the Department of Labor's (DoL) Office of Workers' Compensation Program (OWCP) claims process. The responsibilities and requirements of the CEW Readiness Cell's case managers were established in DoD Directive 1404.10, enacted on January 23, 2009.

Service component ICPAs are specifically trained to provide outreach and support to all injured or ill civilians, help them meet their burden of proof, and ensure they receive benefits for which they are entitled. DoD's Injury and Unemployment Compensation Division, also under the DUSD(CPP), works with the CEW and provides liaison services to ICPAs. The primary role of the Injury Compensation Liaison is to open communications and foster strong working relationships between the DoD and DoL OWCP. By implementing the team approach, liaisons assist in meeting case management goals and resolving problems as quickly as possible.

To ensure deployed civilians obtain accurate information and receive such compensation and medical benefits in a timely manner, the DoD CEW Readiness Cell established a 24 hour toll-free number to provide all deployed DoD civilians, including those injured or wounded, a one-stop mechanism to obtain information and assistance on the compensation and benefits. This phone number is personally staffed from 7am - 6pm, Eastern Standard Time, Monday through Friday, and offers a voice message service for weekend and after hours follow-up. This toll-free number is posted on the CEW website at www.cpms.osd.mil/expeditionary. The goal is to answer all calls or inquires within 24 business hours.

MEDICAL SCREENING AND CARE FOR DEPLOYED CIVILIANS

The Department takes seriously its obligation to protect the health of deployed civilian employees. The Department has established medical treatment policies that ensure civilians who become ill, contract diseases, or who are injured or wounded while deployed in support of U.S. military forces engaged in hostilities, receive medical evacuation and health care treatment and services in military treatment facilities (MTFs) at no cost and at the same level and scope provided to military personnel.

Prior to deploying, DoD civilian employees are required to obtain a physical examination. The purpose of this examination is to determine the presence of any non-deployable medical conditions. Combatant Commands identify non-deployable medical conditions for deployment operations, along with required immunizations. These employee records are reviewed as part of our civilian employee's pre-deployment processing. If any non-deployable medical

condition is identified during this review, then an individualized assessment of the employee's medical condition and the essential functions of the position in question is conducted, consistent with the requirements of the Rehabilitation Act, before deciding whether the employee can deploy.

Further, all DoD civilians are required to have a pre-deployment health assessment within 60 days prior to departure. These records provide a baseline for the medical screening conducted upon the employee's return from deployment. Upon return from the deployment, DoD civilians are required to have a post-health assessment within 30 to 60 days following their return, and a health reassessment between 90 and 180 days of return from the deployment in accordance with DoDI 6490.03, "Deployment Health," August 11, 2006. The Armed Forces Health Surveillance Center (AFHSC) is the central repository for receiving, reviewing and reporting of health issues during and post deployment.

The Department recently established the DoD Centers of Excellence (DCoE) for Psychological Health and Traumatic Brain Injury. The centers are designed to focus on quality programs and advanced medical technology to provide unprecedented expertise in psychological health and traumatic brain injuries. The goal is to assure military and civilians who have deployed are supported with lifelong standardized and comprehensive screening, diagnosis, and care for all levels of traumatic brain injury and post-traumatic stress disorder. The Centers assess, validate, oversee, and facilitate prevention, resilience, identification, treatment, outreach, rehabilitation, and reintegration programs for psychological health and traumatic brain injury to ensure the Department meets the needs of those who have served and their families.

Deployed DoD civilian employees who were treated in theater continue to be eligible for treatment in an MTF or civilian medical facility for compensable illnesses, diseases, wounds, or injuries under the DOL OWCP upon their return at no cost to the employee. DoD civilians who deployed and are subsequently determined to have compensable illnesses, diseases, wounds, or injuries under the DOL OWCP programs also are eligible for treatment in an MTF or civilian medical facility at no cost to the employee.

Since 2004 DoD has been providing DoD civilians the capability of filing Traumatic Injury (CA-1) or Occupational Disease (CA-2) claims electronically. One feature of the electronic filing process is employees who file traumatic injury claims obtain immediate written information and instructions regarding the medical evidence needed in a FECA claim. This information can be immediately made available to treating physicians and other health care providers. Establishing the appropriate evidentiary documentation early on is a critical step in expediting the review and processing of the injury claims.

The Department also has worked with our DoL colleagues to improve and streamline service. DoL instituted a special series of case file numbers for the claims of deployed civilians, and has assigned these cases to an office dedicated to reviewing, adjudicating, and processing DOL OWCP civilian injury claims for Iraq and Afghanistan. The Department recognizes that the DoL OWCP is the primary source of coverage for medical treatment of Federal civilian employees who become wounded, ill, contract disease or are injured in a combat zone. The Department strongly believes the adjudication of the cases should be handled by claims staff trained to handle these types of cases, and is pleased that the OWCP instituted streamlined processes and has assigned the review, adjudication, and processing of these cases to a dedicated group at their Cleveland office.

Combat zones present a myriad of challenges in collecting the medical documentation necessary to file a DoL OWCP claim. To address this issue, on September 23, 2008, the DOL's OWCP signed a letter agreeing to certain principles regarding the processing of deployed civilian workers' compensation claims. Under this agreement, DOL acknowledges that DoD employees injured in war zones may experience difficulties in obtaining necessary evidence and corresponding with OWCP. To that end, it agreed that prior to issuing a denial to any DoD employee injured in a war zone they will notify the DoD Civilian Personnel Management Services (CPMS) Injury & Unemployment Compensation Division if evidence is not sufficient. This special handling has resulted in faster and better responses to employees. In such instances, DoD has an opportunity to assist the employee in obtaining medical evidence about the nature and cause of the illness, disease or injury for submission to OWCP.

In addition, the DoL's OWCP worked with the interagency working group (DoD, OPM, and DoS), that developed the legislative package that is being proposed to provide more equitable benefits for deployed civilians. In this effort they have supported several initiatives including: the extension of Continuation of Pay for occupational diseases or illnesses, posting information on its website specific to the needs of deployed civilian employees, and releasing a letter to all their employees who handle deployment-related cases to further instruct them of the special handling of deployment-related cases.

TREATMENT OF NON-DoD FEDERAL PERSONNEL IN MILITARY TREATMENT FACILITIES

The Department also realizes it may be the only in-theater provider of emergency medical care for non-DoD civilians, perhaps with the exception of the Department State who may have some medical capabilities in some zones of Armed Conflict. The Department clarified its policy on access to military treatment facilities (MTFs) for non-DoD federal civilians both while in theater and then following deployment. Simply stated:

1. We can provide emergency care in theater, MEDEVAC outside the theater, and care at an MTF until the non-DoD federal employee is stabilized and discharged.
2. As the Under Secretary of Defense (Personnel and Readiness), I can grant permission, under certain circumstances, to provide continuing care in our MTFs, past the point of medical stabilization. Like our DoD employees, however, other Federal employees must have an approved DoL OWCP claim for the specific deployment-related illness, disease, or injury to be eligible for continuing care in an MTF. Other factors that I consider include whether the MTF provides a special or unique expertise in treating the injury, disease, or illness of the employee and if the MTF has the capability and capacity to treat the employee's specific needs. The determination is made on a case-by-case basis.

The Department recently released a report to the HASC and SASC, as well as a letter to each Federal agency that deploys civilians, on medical care for DoD

and non-DoD Federal civilian employees who become ill, contract diseases, or are injured or wounded while forward deployed in support of contingency operations.

To prepare, inform, and advise non-DoD civilians and their respective agencies, the Department has also posted a Power Point training aid explaining DoD's policies governing medical care for non-DoD civilians during deployment, and the procedures for requesting access to a military MTF after their deployment; posted Frequently Asked Questions that provide further clarity on DoD's policies; and provided a "Contact Us" feature to submit questions about DoD's policies and practices on medical care and receive a response within two business days. Employees from Federal agencies deployed through DoD will be required to complete this training during their pre-deployment training.

Finally, the Department is expanding its existing DoD Civilian Health Working Group to examine the medical care for civilian employees serving in a contingency operation with representatives from other Federal agencies and Departments, employee unions, and other organizations that provide medical care and service to the Federal civilians. In consultation with the OSD Director for Administration and Management, we are taking the necessary steps to establish the working group at the earliest opportunity. The working group, as envisioned by Congress, will conform to the provisions of the Federal Advisory Committee Act (FACA) of 1972, and the membership, once appointed by the Secretary of Defense, will provide independent advice and recommendations on this critical issue. We anticipate the working group will be established no later than May 2010.

FAMILY SUPPORT AND ASSISTANCE

DoD families play an integral role in the Total Force and support DoD's missions from the home front. The Department continues to strengthen its capacity to serve the families of DoD civilians and build family readiness. We require family care plans to ensure families are aware of and understand the benefits and entitlements provided to them through their spouses' employment. Employees are given instructions on how to build a comprehensive family care plan during pre-deployment. In addition, the CEW Readiness Cell, in coordination with Services, has developed and posted on its website, specific

guidance on family care programs for DoD civilians that is customized to serve the individuals unique geographical location and family requirements. This guidance alerts families of the outreach and assistance DoD offers during deployments and ensures a full continuum of care is provided.

There are an array of benefits and services available to the families of deployed civilians including child care and development, casualty assistance, stress management, counseling, education for family members, housing and moving support, legal assistance, personal financial management, special needs support, spouse employment, suicide prevention, transition assistance, and much more. Several programs also provide resources for families with young children experiencing the effects of deployment or changes to a parent due to a combat-related injury. Information on these resources and support services is readily available at MilitaryHOMEFRONT (<http://www.militaryhomefront.dod.mil>), the Department of Defense Web site for official information, policy and guidance designed to help DoD civilians and their families.

Deployed civilians and their families also have access to Military OneSource which provides resources and support to DoD civilians and their families anywhere in the world. Military OneSource (<http://www.militaryonesource.com>) services include a 24-hour call center staffed with master's-level consultants to answer questions and provide resources and referrals on everyday issues like finding child care, dealing with stress, helping children deal with a parent's deployment, reunion and reintegration, moving, creating a budget, personalized health coaching, caring for older relatives, making large-scale consumer purchases, and finding services in the local and military communities. It also offers specialized consultations by phone in the areas of special-needs family members, personal finances, and education. Specialty consultants have focused training in their consultation areas. Face-to-face counseling sessions in the user's community are designed to address short-term, non-medical needs. Counseling sessions are also available online or by phone.

DoD is working to provide additional curriculum and training to prepare and help families cope with deployments and deepen their understanding of deployment requirements, benefits and entitlements, as well as issues likely to be faced by the employee during and following a deployment. A key part of the post-

deployment training will involve effective ways to reintegrate the employee with their family.

**ACTIONS TAKEN ADDRESS THE RECOMMENDATIONS OF GAO
REPORT 09-562**

In response to the GAO report, the Department has taken the following actions:

1. Clarified DoD's policy on access to military treatment facilities (MTFs) for DoD and non-DoD federal civilians following deployment and posted the policy and procedures on the CEW website: <http://www.cpms.osd.mil/expeditionary>.
2. Developed a standard form for requesting approval to use a military medical treatment facility (MTF), which can be submitted both electronically on the CEW website and through the mail;
3. Developed and posted on the CEW website, a Power Point training aid that specifically addresses the medical eligibility of non-DoD Federal civilian employees at DoD medical facilities. Non-DoD Federal employees deploying through DoD will be required to take this training prior to their deployment;
4. Developed and posted Frequently Asked Questions and Answers (FAQs) on the CEW website, with a "Contact Us" feature to submit questions and receive a response within two business days;
5. Released a report to the HASC and SASC entitled, "Medical care for DoD and non-DoD Federal Civilian Employees injured or wounded in support of Contingency Operations";
6. Established a 24 hour toll-free number to provide all deployed DoD civilians, including those injured or wounded, a one-stop mechanism to obtain information and assistance on the compensation and benefits.
7. Developed a letter to all Federal agencies notifying them of DoD's policies governing medical care during and after deployment, the procedures for requesting approval to access a military MTF, the online training available, FAQs, and how to contact DoD for further questions.

8. Clarified that data provided in accordance to DoD Directive 1401.10 "DoD Civilian Expeditionary Workforce" provides accurate information on all deployed civilians in theater. Civilian deployment personnel data is compiled from Services' systems at the OSD level. Work is in progress to incorporate this capability into Joint Personnel Statistics (JPERSTAT).

CONCLUSION

The Department is proud of the contributions of the Total Force—active duty military personnel, reservists, DoD and Federal civilian employees, defense contractors, host nation military—who contribute each and every day to strengthening our national defense and making incalculable sacrifices to preserve freedom and the democratic principles that underpin a peaceful, productive, and dignified society. Their distinguished service is an inspiration to nations around the world. Some of our brave and dedicated employees and their families have made the ultimate sacrifice for our country while serving our DoD missions. For these brave injured and fallen civilians, for all their colleagues who have answered the call to serve, and for all those who will answer in the future, the Department is committed to ensuring these employees have the highest level of support and care as may be needed to serve our noble mission. Their courageous, enduring service and sacrifice deserve no less.

Thank you again for your continued interest in our deployed civilians and the opportunity to speak with you today. I would be pleased to respond to your questions.

GAO

United States Government Accountability Office

Testimony

Before the Subcommittee on Oversight of Government Management, the Federal Workforce and the District of Columbia, Committee on Homeland Security and Governmental Affairs, U.S. Senate

For Release on Delivery
Expected at 2:30 p.m. EDT
Wednesday, April 14, 2010

HUMAN CAPITAL**Status of Actions Needed to
Improve the Timely and
Accurate Delivery of
Compensation and Medical
Benefits to Deployed
Civilians**

Statement of Janet A. St. Laurent, Managing Director
Defense Capabilities and Management



GAO-10-615T



Highlights of GAO-10-615T, a testimony before the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, Committee on Homeland Security and Governmental Affairs, United States Senate

Why GAO Did This Study

The Department of Defense (DOD) and other executive agencies increasingly deploy civilians in support of contingency operations in Iraq and Afghanistan. Prior GAO reports show that the use of deployed civilians has raised questions about the potential for differences in policies on compensation and medical benefits. When these civilians are deployed and serve side by side, differences in compensation or medical benefits may become more apparent and could adversely impact morale.

This statement is based on GAO's 2009 congressionally requested report, which compared agency policies and identified any issues in policy or implementation regarding (1) compensation, (2) medical benefits, and (3) identification and tracking of deployed civilians. GAO reviewed laws, policies, and guidance; interviewed responsible officials at the Office of Personnel Management (OPM); and conducted a survey of civilians deployed from the six agencies between January 1, 2006 and April 30, 2008. GAO made ten recommendations for agencies to take actions such as reviewing compensation laws and policies, establishing medical screening requirements, and creating mechanisms to assist and track deployed civilians. Seven of the agencies—including DOD—generally agreed with these recommendations; U.S. Agency for International Development did not. This testimony also updates the actions the agencies have taken to address GAO's recommendations.

View GAO-10-615T or key components. For more information, contact Janet A. St. Laurent at (202) 512-4300 or stlaurentj@gao.gov.

April 2010

HUMAN CAPITAL

Status of Actions Needed to Improve the Timely and Accurate Delivery of Compensation and Medical Benefits to Deployed Civilians

What GAO Found

While policies concerning compensation for deployed civilians are generally comparable, GAO found some issues that can lead to differences in the amount of compensation and the accuracy, timeliness, and completeness of this compensation. For example, two comparable supervisors who deploy under different pay systems may receive different rates of overtime pay because this rate is set by the employee's pay system and grade/band. While a congressional subcommittee asked OPM to develop a benefits package for civilians deployed to war zones and recommend enabling legislation, at the time of GAO's 2009 review, OPM had not yet done so. Also, implementation of some policies may not always be accurate or timely. For example, GAO estimates that about 40 percent of the deployed civilians in its survey reported experiencing problems with compensation, including danger pay. In June 2009, GAO recommended, among other things, that OPM oversee an executive agency working group on compensation to address differences and, if necessary, make legislative recommendations. OPM generally concurred with this recommendation and recently informed GAO that an interagency group is in the process of developing proposals for needed legislation.

Although agency policies on medical benefits are similar, GAO found some issues with medical care following deployment and post deployment medical screenings. Specifically, while DOD allows its treatment facilities to care for non-DOD civilians after deployment in some cases, the circumstances are not clearly defined and some agencies were unaware of DOD's policy. Further, while DOD requires medical screening of civilians before and following deployment, State requires screenings only before deployment. Prior GAO work found that documenting the medical condition of deployed personnel before and following deployment was critical to identifying conditions that may have resulted from deployment. GAO recommended, among other things, that State establish post-deployment screening requirements and that DOD establish procedures to ensure its post-deployment screening requirements are completed. While DOD and State agreed, DOD has developed guidance establishing procedures for post-deployment screenings; but, as of April 2010, State had not provided documentation that it established such requirements.

Each agency provided GAO with a list of deployed civilians, but none had fully implemented policies to identify and track these civilians. DOD had procedures to identify and track civilians but concluded that its guidance was not consistently implemented. Some agencies had to manually search their systems. Thus, agencies may lack critical information on the location and movement of personnel, which may hamper their ability to intervene promptly to address emerging health issues. GAO recommended that DOD enforce its tracking requirements and the other five agencies establish tracking procedures. While DOD and four agencies concurred with the recommendations and are now in various stages of implementation, U.S. Agency for International Development disagreed stating that its current system is adequate. GAO continues to disagree with this agency's position.

United States Government Accountability Office

Mr. Chairman and Members of the Subcommittee:

Thank you for the opportunity to discuss our 2009 report on the actions needed to better track and provide timely and accurate compensation and medical benefits to deployed federal civilians.¹ As the Department of Defense (DOD) has expanded its involvement in overseas military operations, it has grown increasingly reliant on its federal civilian workforce to provide support. The civilian workforce performs, among other things, combat support functions that traditionally have been performed by the uniformed military, such as logistics support and maintenance. DOD acknowledged its growing reliance on civilian personnel in its 2006 Quadrennial Defense Review, and since fiscal year 2004, the department has converted thousands of military positions to civilian positions and is planning to convert more. In addition, in April 2009, the Secretary of Defense announced plans to convert 33,600 contract positions to federal civilian positions. The Department of State (State) and other federal agencies also play an important role in the stabilization and reconstruction of at-risk countries and regions, consistent with a collaborative, “whole of government”² approach.

According to a recent DOD report, the federal government has deployed over 44,000³ civilians since 2001 in support of contingency operations around the world, including the stabilization and reconstruction efforts in Iraq and Afghanistan. These deployed civilians work in close proximity to one another and represent a cross section of employees from a number of different agencies. While in theater, deployed civilians—regardless of which executive agency employs them—fall under the purview of either DOD or State, but remain subject to the administrative processes of

¹ GAO, *Human Capital: Actions Needed to Better Track and Provide Timely and Accurate Compensation and Medical Benefits to Federal Civilians*, GAO-09-562 (Washington D.C.: June 26, 2009).

² According to the Project on National Security Reform, Case Studies Volume I, (Washington, D.C.: Sep. 2008), “whole of government” refers to an approach that fosters governmentwide collaboration on purpose, actions, and results in coherent combined application of available resources to achieve the desired objective or end state. This approach addresses the military and civilian coordination discussed in National Security Presidential Directive/NSPD-44, *Management of Interagency Efforts Concerning Reconstruction and Stabilization* (Dec. 7, 2005).

³ Department of Defense, *Report to Congress: Medical Care for Department of Defense and Non-Department of Defense Federal Civilians Injured or Wounded in Support of Contingency Operations*.

their employing agencies for compensation.⁴ This civilian workforce consists of employees who are compensated under several different pay systems in use at the time of our review, including the General Schedule (GS), Foreign Service (FS), and National Security Personnel System (NSPS).⁵ Each of these pay systems is governed by unique authorizing statutes, most of which existed prior to the current operations in Iraq and Afghanistan. The statutes, as implemented in accordance with Office of Personnel Management (OPM)⁶ and agency regulations and policies, outline the monetary and nonmonetary compensation to which employees under each system are entitled, certain elements of which are set without regard to the location in which they are working. Monetary compensation includes payments such as salary and danger pay and nonmonetary compensation includes benefits such as leave and retirement contributions.⁷ In addition, these deployed civilians are entitled to certain medical benefits.

As we previously reported, DOD's use of civilian personnel to support military operations has long raised questions about its policies on compensation and medical benefits for such civilians.⁸ For example, in 2006, DOD did not have quality assurance procedures in place to ensure that deployed civilians completed (1) pre-deployment health assessments

⁴ Under 22 U.S.C. § 3927, the Chief of Mission "shall have full responsibility for the direction, coordination, and supervision of all Government executive branch employees in that country (except for Voice of America correspondents on official assignment and employees under the command of a United States area military commander)".

⁵ Section 1101 of the National Defense Authorization Act for Fiscal Year 2004, Pub. L. No. 108-136 (2003), authorized DOD, working jointly with OPM, to create the National Security Personnel System. As of February 2009, over 205,000 DOD civilians had been converted into NSPS. However, section 1113 of the National Defense Authorization Act for Fiscal Year 2010, Pub. L. No. 111-84 (2009), requires the Secretary of Defense to take actions necessary to terminate the National Security Personnel System no later than January 1, 2012.

⁶ Specifically, OPM issues regulations and provides policy guidance to executive branch agencies on matters involving personnel management.

⁷ In this report, we use the term "monetary compensation" to refer to payments made to the employee for work performed such as salary, danger pay, post hardship differential, and overtime. Nonmonetary compensation refers to benefits such as leave, retirement contributions, and insurance premiums paid on behalf of the employee.

⁸ GAO, *DOD Civilian Personnel: Medical Policies for Deployed DOD Federal Civilians and Associated Compensation for Those Deployed*, GAO-07-1235T (Washington, D.C.: Sept. 18, 2007); and *DOD Civilian Personnel: Greater Oversight and Quality Assurance Needed to Ensure Force Health Protection and Surveillance for Those Deployed*, GAO-06-1085 (Washington, D.C.: Sept. 29, 2006).

to make certain they were medically fit to deploy and (2) post-deployment health assessments to document their health status following deployment, environmental exposures, and health concerns related to their work while deployed. Consequently, DOD had no assurance that civilians were medically fit to deploy and could not identify any follow-up medical treatment these civilians required following deployment. In addition, we reported that procedures were not in place during the Gulf War to provide for overtime or danger pay that deployed civilians were entitled to receive.⁹ Now that other executive agencies in addition to DOD and State are deploying civilians to Iraq and Afghanistan,¹⁰ Congress has noted that although these civilians are working under similar conditions and being exposed to the same risks, they may be receiving different levels of compensation and medical benefits. The unique working conditions employees may encounter in Iraq and Afghanistan can create an environment that increases the visibility of issues associated with pay systems and compensation that employees working under normal circumstances would not encounter. When these civilians are deployed and serve side by side, the differences in pay systems may become more apparent and may adversely impact morale. As a result, Congress has enacted a number of laws aimed at leveling compensation for deployed civilians across agencies and pay systems. For example, beginning in 2006, Congress granted agency heads the discretion to provide their deployed civilians certain compensation and benefits comparable to those of the Foreign Service, such as death gratuities and leave benefits. Congress has also enacted laws that allow agency heads to waive premium pay caps for deployed civilians.¹¹

In addition, in April 2008, the Subcommittee on Oversight and Investigations, House Armed Services Committee, issued a report on incentives, benefits, and medical care for deployed civilians.¹² In this

⁹ GAO-07-1235T; GAO-06-1085.

¹⁰ In addition to DOD, State, and the other agencies involved in this review, we have identified several other executive agencies that have deployed civilians to Iraq or Afghanistan. These include the Departments of Commerce, Health and Human Services, Treasury, Transportation, and Energy.

¹¹ The premium pay cap places a ceiling on the amount of basic pay (salary plus locality pay) plus premium pay (overtime pay, Sunday pay, holiday pay, and night differential) that an employee can earn during a calendar year.

¹² U.S. House of Representatives, Committee on Armed Services, Subcommittee on Oversight and Investigations, *Deploying Federal Civilians to the Battlefield: Incentives, Benefits, and Medical Care* (April 2008).

report, the Subcommittee recommended, among other things, that OPM develop an incentive and benefits package that would apply to all federal civilians deployed to a war zone and submit legislative recommendations, if necessary, to Congress. In June 2008, OPM issued a memorandum urging the executive agencies that deploy civilians to make every effort to eliminate any disparities or inconsistencies in these deployed civilians' compensation by applying any available and appropriate compensation authorities.¹³

My statement today focuses on our 2009 review¹⁴ of executive agencies' policies and practices regarding the compensation and medical benefits they provide to civilian employees who deploy to Iraq or Afghanistan.¹⁵ Specifically, we examined the extent to which the six agencies¹⁶ we reviewed have (1) comparable policies concerning compensation and any issues that may affect the compensation to which deployed civilians are entitled (2) comparable policies and practices concerning medical benefits for deployed civilians and any issues that may affect the medical benefits to which deployed civilians are entitled and (3) policies and procedures to identify and track deployed civilians to address any future medical issues that may emerge as a result of their deployment.

To determine whether the six selected executive branch agencies have comparable policies on compensation and medical benefits for their deployed civilians, we reviewed applicable federal statutes, guidance, memoranda, and other policy documents, and we conducted a

¹³ Memorandum from Linda M. Springer, Director, OPM, to Chief Human Capital Officers, *Consistent Compensation for Federal Civilians in Combat Zones* (June 10, 2008). This memorandum listed various legal authorities, such as § 1603 of Public Law No. 109-234 (granting federal agencies discretion to apply certain Foreign Service benefits to their employees), § 1101 of Public Law No. 110-181 (raising annual maximum limitations on premium pay), and § 1105 of Public Law No. 110-181 (authorizing payment of up to \$100,000 as a "death gratuity" in certain instances).

¹⁴ GAO-09-562.

¹⁵ We use the term "medical benefits" to refer to any medical or dental treatment associated with travel to Iraq or Afghanistan, including medical screenings before and after deployment, as well as any benefits received under the Federal Employees' Compensation Act, 5 U.S.C. §§ 8101-8193.

¹⁶ We selected the Department of Defense because it deploys the greatest number of civilians to Iraq and Afghanistan. We also included the Departments of State, Homeland Security, Agriculture, and Justice, and the U.S. Agency for International Development because these agencies deployed most of the civilians assigned to the embassies and provincial reconstruction teams in Iraq and Afghanistan.

comparative analysis of these documents. We also interviewed agency officials, including officials at OPM, to identify their perspectives on the compensation and medical benefits to which their civilians are entitled both during and following their deployments. To determine the extent to which these agencies have any implementation issues that may affect the compensation and medical benefits to which deployed civilians are entitled, we reviewed pre-deployment information and instructional documents pertaining to the compensation and medical benefits to which deployed civilians are entitled, as well as agency practices for medically screening civilians both before and following their deployments. We also conducted a Web survey of a probability sample of civilians from lists we obtained from our selected agencies who were deployed to Iraq or Afghanistan between January 1, 2006, and April 30, 2008, to gather information on their experiences.¹⁷ Specifically, this survey gathered, among other things, information from deployed civilians about instructional documents received, medical screening, and receipt of compensation and medical care during and following their deployments. To further explore issues that were identified by survey respondents, we conducted small group discussions with deployed DOD and State civilians serving in Iraq at the time of our review. We also conducted interviews with DOD and State officials, including medical personnel, reviewed the universe of workers' compensation claims filed with the Department of Labor¹⁸ between January 1, 2006, and April 30, 2008, by civilians deployed to Iraq and Afghanistan, and we interviewed Labor officials concerning the workers' compensation claims process. To determine the extent to which agencies identify and track deployed civilians for medical purposes, we reviewed applicable agency guidance and interviewed knowledgeable agency officials. To assess the reliability of the data in these lists and workers' compensation claims, we (1) reviewed existing information about the systems that generated these lists and claims information and (2) interviewed agency officials knowledgeable about the systems and

¹⁷ We selected a sample of 297 from an initial population of 2,493 civilians whom the six executive agencies in our review identified as having been deployed during the period from January 1, 2006, to April 30, 2008. Some observations in the sample were deemed to be beyond the scope of our review, in part because the employee did not deploy to Iraq or Afghanistan during the prescribed timeframe; consequently, we are 95 percent confident that the actual population size is between 1,890 and 2,254. The results of the survey can be projected to the population from which the survey sample was selected.

¹⁸ These claims are filed under the Federal Employees' Compensation Act, 5 U.S.C. §§ 8101-8193.

information. We determined that the information was sufficiently reliable for the purposes of our review.

We conducted our performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

While Policies on Compensation Are Generally Comparable, Some Policy and Implementation Issues Affect the Amount, Accuracy, and Completeness of Compensation

Although policies concerning compensation for deployed civilians are generally comparable across agencies, we found some issues that affect the amount of compensation these civilians receive—depending on such things as the agency's pay system or the civilian's grade/band level—and the accuracy, timeliness, and completeness of this compensation. Specifically, the six agencies included in our 2009 review provided similar types of deployment-related compensation to civilians deployed to Iraq or Afghanistan. Agency policies regarding compensation for federal employees—including deployed civilians—are subject to regulations and guidance issued by either OPM or other executive agencies, in accordance with underlying statutory personnel authorities. In some cases, the statutes and implementing regulations provide agency heads with flexibility in how they administer their compensation policies. For example, agency heads are currently authorized by statute to provide their civilians deployed to combat zones with certain benefits—such as death gratuities and leave benefits—comparable to those provided the Foreign Service, regardless of the underlying pay system of the employee's agency.

However, some variations in compensation available to deployed civilians result directly from the employing agency's pay system and the employee's pay grade/band level. For example, deployed civilians, who are often subject to extended work hours, may expect to work 10-hour days, 5 days a week, resulting in 20 hours of overtime per pay period. A nonsupervisory GS-12 step 1 employee receives a different amount of compensation for overtime hours than a nonsupervisory employee who earns an equivalent salary under NSPS.¹⁹ Specifically, the NSPS nonsupervisory employee is

¹⁹ Section 1113 of the National Defense Authorization Act for Fiscal Year 2010, Pub. L. No. 111-84 (2009), requires the Secretary of Defense to take actions necessary to terminate the National Security Personnel System no later than January 1, 2012.

compensated for overtime at a rate equivalent to 1.5 times the normal hourly rate while the GS nonsupervisory employee is compensated for overtime at a rate equivalent to 1.14 times the normal hourly rate. Further, we noted that a GS-12 step 1 employee receives a different rate of compensation for overtime hours than a GS-12 step 6 employee. Specifically, the GS-12 step 1 employee is compensated for overtime at a rate equivalent to 1.14 times the normal hourly rate, while the GS-12 step 6 employee is compensated for overtime at the normal hourly rate.²⁰

Additionally, deployed civilians may receive different compensation based on their deployment status. Agencies have some discretion to determine the travel status of their deployed civilians based on a variety of factors—DOD, for example, looks at factors including length of deployment, employee and agency preference, and cost. Generally though, deployments scheduled for 180 days or less are classified as “temporary duty” assignments, whereas deployments lasting more than a year generally result in an official “change of station” assignment. Nonetheless, when civilians are to be deployed long term, agencies have some discretion to place them in either temporary duty or change of station status, subject to certain criteria.²¹ The status under which civilians deploy affects the type and amount of compensation they receive. For example, approximately 73 percent of the civilians who were deployed between January 1, 2006, and April 30, 2008, by the six agencies we reviewed were deployed in

²⁰ Under both examples, these employees are exempt from the Fair Labor Standards Act. Overtime rates are authorized by law for GS employees by 5 U.S.C. section 5542 and for NSPS employees by NSPS regulations at 5 CFR section 9901.362. The NSPS overtime factor is based on DOD's Civilian Personnel Manual, DOD 1400.25-M, subchapter 1930. Overtime rates are authorized by law for GS employees by 5 U.S.C. section 5542. The overtime factor for GS-12 step 1 is calculated by dividing the overtime hourly rate by the hourly rate found in OPM's hourly rate table for GS salary. Within the GS system, the overtime hourly rate for employees paid at a rate greater than the rate for GS-10 step 1, but less than the rate for GS-12 step 6, is equal to the hourly rate of basic pay for GS-10 step 1 multiplied by 1.5. The overtime hourly rate for employees paid at a rate equivalent to the GS-10 step 1 level or lower is 1.5 times their hourly rate, and for employees paid at the GS-12 step 6 level or higher, the overtime hourly rate is 1.0.

²¹ GAO has stated that “Whether an assignment to a particular station is temporary or permanent is a question of fact to be determined from the orders under which the assignment is made, the character of the assignment, its duration, and the nature of the duties.” In DOD's Civilian Personnel Joint Travel Regulations Vol. II, DOD states that the following criteria must be met for an assignment to be temporary duty (68 Comp. Gen. 465 (1989)): “(a) The duties to be performed are temporary in nature, (b) the assignment is for a reasonable time duration, and (c) temporary duty costs are lower than round-trip temporary change of station or permanent change of station expenses.” Joint Travel Regulations, vol. 2, ch. 4, para. C4430 (current as of Dec. 1, 2009).

temporary duty status²² and retained their base salaries, including the locality pay associated with their home duty stations. Civilians deployed to Iraq or Afghanistan as a change of station do not receive locality pay, but they do receive base salary and may be eligible for a separate maintenance allowance, which varies in amount based on the number of dependents the civilian has. The civilian's base salary also impacts the computation of certain deployment-related pays, such as danger pay and post hardship differential, as well as the computation of premium pay such as overtime. Consequently, whether a civilian's base salary includes locality pay or not can significantly affect the total compensation to which that civilian is entitled—resulting in differences of several thousand dollars.

As a result of these variations, deployed civilians at equivalent pay grades who work under the same conditions and face the same risks may receive different compensation. As mentioned previously, the Subcommittee on Oversight and Investigations, House Armed Services Committee, recommended in April 2008 that OPM develop a benefits package for all federal civilians deployed to war zones, to ensure that they receive equitable benefits. But at the time of our 2009 review, OPM had not developed such a package or provided legislative recommendations. In September 2009, OPM officials stated that DOD had initiated an interagency working group to discuss compensation issues and that this group had developed some proposals for legislative changes. However, they noted, at that time, that these proposals had not yet been submitted to Congress, and they did not, according to DOD officials, represent a comprehensive package for all civilians deployed to war zones, as recommended by the Subcommittee.

Furthermore, compensation policies were not always implemented accurately or in a timely manner. For example, based on our survey results, we project that approximately 40 percent of the estimated 2,100 civilians deployed from January 1, 2006, to April 30, 2008, experienced problems with compensation—including not receiving danger pay or receiving it late, for instance—in part because they were unaware of their eligibility or did not know where to go for assistance to start and stop these deployment-related pays. In fact, officials at four agencies acknowledged that they have experienced difficulties in effectively

²² The approximately 73 percent includes both DOD civilians deployed for 180 days or less as well as employees deployed for more than 180 days. For civilians deployed more than 180 days, about 42 percent were deployed in temporary duty status and retained locality pay.

administering deployment-related pays, in part because there is no single source of guidance delineating the various pays associated with deployment of civilians. As we previously reported concerning their military counterparts,²³ unless deployed personnel are adequately supported in this area, they may not be receiving all of the compensation to which they are entitled.

Additionally, in January 2008, Congress authorized an expanded death gratuity—under the Federal Employees' Compensation Act (FECA)—of up to \$100,000 to be paid to the survivor of a deployed civilian whose death resulted from injuries incurred in connection with service with an armed force in support of a contingency operation.²⁴ Congress also gave agency heads discretion to apply this death gratuity provision retroactively for any such deaths occurring on or after October 7, 2001, as a result of injuries incurred in connection with the civilian's service with an armed force in Iraq or Afghanistan.²⁵ At the time of our 2009 review, Labor—the agency responsible for the implementing regulations under FECA—had not yet issued its formal policy on administering this provision. Labor officials told us in May 2009 that, because of the recent change in administration, they could not provide us with an anticipated issue date for the final policy. Officials from the six agencies included in our review stated at that time that they were delaying the development of policies and procedures to implement the death gratuity until after Labor issued its policy. As a result, some of these agencies had not moved forward on these provisions when we issued our report.

We therefore recommended that (1) OPM oversee an executive agency working group on compensation for deployed civilians to address any

²³ GAO, *Military Pay: Army Reserve Soldiers Mobilized to Active Duty Experienced Significant Pay Problems*, GAO-04-911 (Washington, D.C.: Aug. 20, 2004); *Military Pay: Army National Guard Personnel Mobilized to Active Duty Experienced Significant Pay Problems*, GAO-04-413T (Washington, D.C.: Jan. 28, 2004); and *Military Pay: Army National Guard Personnel Mobilized to Active Duty Experienced Significant Pay Problems*, GAO-04-89 (Washington, D.C.: Nov. 13, 2003).

²⁴ National Defense Authorization Act for Fiscal Year 2008, Pub. L. No. 110-181, § 1105 (2008).

²⁵ Under 5 U.S.C. § 8102(a), the head of an agency may retroactively apply this provision in the case of an employee who died on or after October 7, 2001, and before January 28, 2008, as a result of injuries incurred in connection with the employee's service with an armed force in the theater of operations of Operation Enduring Freedom or Operation Iraqi Freedom.

differences and if necessary make legislative recommendations; (2) the agencies included in our review establish ombudsman programs or, for agencies deploying small numbers of civilians, focal points to help ensure that deployed civilians receive the compensation to which they are entitled; and (3) Labor set a time frame for issuing implementing guidance for the death gratuity. We provided a copy of the draft report to the agencies in our review. With the exception of USAID, which stated that it already had an ombudsman to assist its civilians, all of the agencies generally concurred with these recommendations. USAID officials, however, at the time of our testimony, had not provided any documentation to support the existence of the ombudsman position. In the absence of such documentation, we continue to believe our recommendation has merit. In comments on our final report, OPM officials stated that an interagency group was in the process of developing proposals for needed legislation. However, at the time of this testimony, these officials stated that no formal legislative proposals have been submitted. In addition, some of the agencies have taken action to create ombudsman programs. Specifically, DOD and USDA officials stated that their ombudsman programs have been implemented. Additionally, Justice and State officials stated that they would take action such as developing policy and procedures for their ombudsman programs; however, at the time of this testimony, USDA, Justice, and State had not provided documentation to support their statements. Finally, the Department of Labor published an interim final rule implementing the \$100,000 death gratuity under FECA in August 2009, and finalized the rule in February 2010.²⁶

²⁶ Interim Final Rule: Claims for Compensation; Death Gratuity Under the Federal Employees' Compensation Act, 74 Fed. Reg. 41617 (Aug. 18, 2009). Final Rule: Claims for Compensation; Death Gratuity Under the Federal Employees' Compensation Act, 75 Fed. Reg. 5499 (Feb. 3, 2010).

While Policies on Medical Benefits Are Generally Comparable, Some Issues Exist in Both Policies and Implementation

Although agency policies on medical benefits are similar, our 2009 review found some issues with policies related to medical treatment following deployment and with the implementation of workers' compensation and post-deployment medical screening that affect the medical benefits of these civilians. DOD and State guidance provides for medical care of all civilians during their deployments—regardless of the employing agency. For example, DOD policies entitle all deployed civilians to the same level of medical treatment while they are in theater as military personnel. State policies entitle civilians serving under the authority of the Chief of Mission to treatment for routine medical needs at State facilities while they are in theater.

While DOD guidance provides for care at military treatment facilities for all DOD civilians—under workers' compensation—following their deployments, we reported that the guidance does not clearly define the “compelling circumstances” under which non-DOD civilians would be eligible for such care. Because DOD's policy was unclear, we found that confusion existed within DOD and other agencies regarding civilians' eligibility for care at military treatment facilities following deployment. Furthermore, officials at several agencies were unaware that civilians from their agencies were potentially eligible for care at DOD facilities following deployment, in part because these agencies had not received the guidance from DOD about this eligibility. Because some agencies were not aware of their civilians' eligibility for care at military treatment facilities following deployment, these civilians could not benefit from the efforts DOD has undertaken in areas such as post traumatic stress disorder.

Moreover, civilians who deploy may also be eligible for medical benefits through workers' compensation if Labor determines that their medical condition resulted from personal injury sustained in the performance of duty during deployment.²⁷ Our review of all 188 workers' compensation claims²⁸ related to deployments to Iraq or Afghanistan that were filed with the Labor Department between January 1, 2006, and April 30, 2008, found that Labor requested additional information in support of these claims in

²⁷ Under FECA, any disability resulting from a war-risk hazard is generally deemed to have resulted from personal injury sustained while in the performance of duty. 5 U.S.C. § 8102(b).

²⁸ FECA claims by agency: DOD – 116; State – 32; Justice – 19; DHS – 5; USDA – 2; USAID – 1; other agencies not included in this review and claims where the agency is not identified – 13.

125 cases, resulting in increased processing times that in some instances exceeded the department's standard goals for processing claims.²⁹ Twenty-two percent of the respondents to our survey who had filed workers' compensation claims stated that their agencies provided them with little or no support in completing the paperwork for their claims. Labor officials stated that applicants failed to provide adequate documentation, in part because they were unaware of the type of information they needed to provide. Furthermore, our review of Labor's claims process indicated that Labor's form for a traumatic injury did not specify what supporting documents applicants had to submit to substantiate a claim.³⁰ Specifically, while this form states that the claimant must "provide medical evidence in support of disability," the type of evidence required is not specifically identified. Without clear information on what documentation to submit in support of their claims, applicants may continue to experience delays in the process.

Additionally, DOD requires deploying civilians to be medically screened both before and following their deployments. However, we found that post-deployment screenings are not always conducted, because DOD lacks standardized procedures for processing returning civilians. Approximately 21 percent of DOD civilians who responded to our survey stated that they did not complete a post-deployment health assessment. In contrast, we determined that State generally requires a medical clearance as a precondition to deployment but has no formal requirement for post-deployment screenings of civilians who deploy under its purview. Our prior work has found that documenting the medical condition of deployed civilians both before and following deployment is critical to identifying conditions that may have resulted from deployment, such as traumatic brain injury.³¹

To address these matters, we recommended that (1) DOD clarify its guidance concerning the circumstances under which civilians are entitled to treatment at military treatment facilities following deployment and formally advise other agencies that deploy civilians of its policy governing

²⁹ Of these 125 cases, 74 were approved, 42 were denied, and 9 cases were still being processed at the time of our review.

³⁰ Labor defines "traumatic injury" as any wound or other condition of the body caused by external force, including stress or strain, caused by a specific event or incident within a single workday or shift.

³¹ GAO-06-1085.

treatment at these facilities; (2) Labor revise the application materials for workers' compensation claims to make clear what documentation applicants must submit with their claims; (3) the agencies included in our review establish ombudsman programs or, for agencies deploying small numbers of civilians, focal points to help ensure that deployed civilians get timely responses to their applications and receive the medical benefits to which they are entitled; (4) DOD establish standard procedures to ensure that returning civilians complete required post-deployment medical screenings; and (5) State develop post-deployment medical screening requirements for civilians deployed under its purview. The agencies generally concurred with these recommendations, with the exception of USAID, which stated that it already had an ombudsman to assist its civilians. USAID officials, however, at the time of this testimony had not provided any documentation to support the existence of the ombudsman position. In the absence of such documentation, we continue to believe our recommendation has merit. To clarify DOD's guidance concerning the availability of medical care at military treatment facilities following deployment for non-DOD civilians and to formally advise other agencies that deploy civilians of the circumstances under which care will be provided, DOD notified these agencies about its policies in an April 1, 2010 letter. Specifically, the letter identified information the department posted on its Civilian Expeditionary Workforce Web site. This information included (1) a training aid explaining the procedures for requesting access to a military treatment facility following deployment, (2) a standard form to request approval to receive treatment at a military treatment facility following deployment, and (3) frequently asked questions that DOD states provides further clarity on its policies.³² In addition, DOD has taken some steps to standardize procedures for ensuring civilians returning from deployment complete required post-deployment medical screenings. For example, guidance on DOD's Civilian Expeditionary Workforce Web site states that deployment out-processing will include completion of the post-deployment health assessment.³³ On the other hand, State officials noted

³² Among other things, the guidance on this website provides some additional clarity regarding the "compelling circumstances" that may allow a non-DOD civilian to be approved for post-deployment medical care, including instances where the military MTF is distinguished and has experience in treating the injury, disease, or illness, or the military MTF is the only, closest, or most convenient treatment facility to the employee's home, place of employment, care giver's home, or critical personal support system. See http://www.cpms.osd.mil/expeditionary//cew_medical_care.aspx

³³ The document on the DOD webpage is titled "Entitlements and Benefits for Temporary Duty Service." See link on http://www.cpms.osd.mil/expeditionary//cew_benefits.aspx

that they would implement post-deployment screenings in 2010; however, as of April 2010, State had not provided documentation supporting that it established such requirements. Finally, officials from some of the agencies told us that they have taken action to create ombudsman programs. Specifically, officials from DOD and USDA said that their programs have been implemented. In addition, officials from Justice and State stated that they would take action such as developing policy and procedures for their ombudsman programs; however, at the time of this testimony, USDA, Justice, and State had not provided documentation to support their statements.

Executive Agencies' Ability to Track Deployed Civilians Is Limited

While each of the agencies we reviewed was able to provide a list of deployed civilians, none of these agencies had fully implemented policies and procedures to identify and track its civilians who have deployed to Iraq and Afghanistan. DOD, for example, issued guidance and established procedures for identifying and tracking deployed civilians in 2006 but concluded in 2008 that its guidance and associated procedures were not being consistently implemented across the agency. In 2008 and 2009, DOD reiterated its policy requirements and again called for DOD components to comply.³⁴ The other agencies we reviewed had some ability to identify deployed civilians, but they did not have any specific mechanisms designed to identify or track location-specific information on these civilians. As we have previously reported, the ability of agencies to report location-specific information on employees is necessary to enable them to identify potential exposures or other incidents related to deployment.³⁵ Lack of such information may hamper these agencies' ability to intervene quickly to address any future health issues that may result from deployments in support of contingency operations. We therefore recommended that (1) DOD establish mechanisms to ensure that its policies to identify and track deployed civilians are implemented and

³⁴ Memorandum from Patricia Bradshaw, Deputy Under Secretary for Civilian Personnel Policy, *Documentation of Department of Defense Civilian Employees Officially Assigned to Military Contingency Operations Overseas*, (Jun. 6, 2006); Memorandum from Brad Bunn, Director, Department of Defense Civilian Personnel Management Service, *Documentation of Department of Defense Civilian Employees Officially Assigned to Military Contingency Operations Overseas*, (Feb. 8, 2008); and DOD Directive 1404.10, *DoD Civilian Expeditionary Workforce* (Jan. 23, 2009).

³⁵ GAO, *Defense Health Care: Improvements Needed in Occupational and Environmental Health Surveillance during Deployments to Address Immediate and Long-term Health Issues*, GAO-05-632 (Washington D.C.: Jul. 14, 2005).

(2) the five other executive agencies included in our review develop policies and procedures to accurately identify and track standardized information on deployed civilians. The agencies generally concurred with these recommendations, with the exception of USAID, which stated that it already had an appropriate mechanism to track its civilians who had deployed but was consolidating its currently available documentation. We continue to disagree with USAID's position since it does not have an agencywide system for tracking civilians and believe that our recommendation is appropriate. Additionally, the other agencies are now in various stages of implementation. For example, DOD officials stated, at the time of this testimony, that they were in the process of developing a new DOD instruction that would include procedures for the department's components to track its civilians. Justice officials stated that they will establish policies and procedures while USDA officials said they would rely on State Department led offices in Iraq and Afghanistan, along with internal measures such as spreadsheets and travel authorizations, for tracking of its personnel. State Department officials noted, after talking with executive agencies including DOD, they planned to establish their own tracking mechanisms.

Concluding Observations

Deployed civilians are a crucial resource for success in the ongoing military, stabilization, and reconstruction operations in Iraq and Afghanistan. Most of the civilians—68 percent of those in our review—who deploy to these assignments volunteered to do so, are motivated by a strong sense of patriotism, and are often exposed to the same risks as military personnel. Because these civilians are deployed from a number of executive agencies and work under a variety of pay systems, any inconsistencies in the benefits and compensation they receive could affect that volunteerism. Moreover, DOD's and State's continued efforts to develop cadres of deployable civilians demonstrates that these agencies recognize the critical role that federal civilians play in supporting ongoing and future contingency operations and stabilization and reconstruction efforts throughout the world. Given the importance of the missions these civilians support and the potential dangers in the environments in which they work, agencies should make every reasonable effort to ensure that the compensation and benefits packages associated with such service overseas are appropriate and comparable for civilians who take on these assignments. It is equally important that federal executive agencies that deploy civilians make every reasonable effort to ensure that these civilians receive all of the medical benefits and compensation to which they are entitled. These efforts include maintaining sufficient data to enable agencies to inform deployed civilians about any emerging health issues that might affect them.

Mr. Chairman, this concludes my prepared statement. I would be happy to respond to any questions that you or Members of the Subcommittee may have at this time.

BACKGROUND
DEPLOYED FEDERAL CIVILIANS: ADVANCING SECURITY AND OPPORTUNITY
IN AFGHANISTAN
APRIL 14, 2010

Background

In recent years, Federal civilians have deployed in greater numbers in support of critical overseas operations. Employees from a number of agencies, with particularly large numbers coming from the Departments of Defense (DoD) and State, have been deployed in support of operations in Iraq, Afghanistan, and other countries facing crises and instability.

Perhaps the most significant international effort facing the U.S. today is the reconstruction and stabilization mission in Afghanistan. In March 2009, President Obama announced his comprehensive strategy for Afghanistan and Pakistan. Alongside the central objectives of disrupting, dismantling, and destroying al Qaeda, he called for efforts to improve governance and stability in Afghanistan and described the increased role of civilians in support of this.¹ The President's speech at West Point in December 2009 further articulated his Afghanistan strategy, specifically the planned surge of 30,000 troops and the vital role of civilians. Shortly after this announcement, Secretary of State Hillary Clinton testified before Congress that by early 2010, 974 civilians will be deployed to Afghanistan.² Building on Secretary Clinton's remarks, Deputy Secretary of State for Management and Resources Jacob Lew stated that an additional increase of civilian staffing of 20 to 30 percent should be expected in 2010.³ All of this is in addition to DoD employees who have already been and will be deployed to Afghanistan.

Sources of Deployed Federal Civilians for Service in Afghanistan

Department of Defense

DoD has a dedicated personnel office and assignment system for supporting its overseas efforts, and its personnel serve under the authority of a military Combatant Commander (*i.e.*, for Afghanistan and Iraq, the Commander of U.S. Central Command). The Office of the Deputy Under Secretary for Civilian Personnel Policy has the lead role in assigning DoD civilians worldwide.⁴

¹ Barack Obama, *Remarks by the President on a New Strategy for Afghanistan and Pakistan*, March 27, 2009. Accessed on January 27, 2010, at <http://www.whitehouse.gov>.

² Testimony by Hillary Rodham Clinton in a hearing on the President's strategy for Afghanistan before the Committee on Armed Services, U.S. Senate, December 2, 2009. Accessed on April 5, 2010, at <http://armed-services.senate.gov/statemnt/2009/December/Clinton%2012-02-09.pdf>.

³ Testimony by Jacob Lew in a hearing entitled, *A New Afghanistan Strategy: The View from the Ground*, before the Senate Committee on Foreign Relations, December 9, 2009. Accessed on April 5, 2010, at <http://foreign.senate.gov/testimony/2009/LewTestimony091209a.pdf>.

⁴ Information accessed on March 8, 2010, at <http://www.cpms.osd.mil/expeditionary/>.

The civilians who fill these overseas assignments are known as the Civilian Expeditionary Workforce (CEW). According to DoD, the CEW helps to reduce stress on military personnel, leverage civilian talent for non-combat efforts, build institutional capability for future operations, and develop a “reach back” capability to support operations.⁵ These civilians support combat, contingencies, and emergency operations; humanitarian and civic assistance efforts; restoration of order; drug interdiction; and stability operations.⁶

These civilian employees fall into four categories. Emergency Essential positions support the success of combat operations or the availability of combat-essential systems. Non-Combat Essential positions are those that support the expeditionary requirements in combat support situations. The Department is in the process of designating these two types of positions, and as of April 1, 2010, 9,585 DoD positions were designated as Emergency Essential. Capability-Based Volunteers (CBV) are employees who help fill critical expeditionary requirements. Finally, the Capability-Based Former Employee Volunteer Corps consists of former and retired DoD civilian employees who may desire to return to Federal service on a limited basis. When re-employed, they are considered CBV employees.⁷ As of April 1, 2010, the CEW had recruited and deployed 401 DoD civilian volunteers.⁸

Department of State

The Department of State’s Office of the Coordinator for Reconstruction and Stabilization (S/CRS) has a lead role in responding to overseas crises under a Chief of Mission’s (COM’s) authority, and S/CRS assists in selecting civilians for deployed service. S/CRS generally deploys its staff for temporary projects within its expertise, rather than assigning its employees to longer-term assignments in countries facing crises and instability,⁹ and can, if needed, deploy personnel as part of the Civilian Response Corps (CRC).

The CRC, which is within S/CRS, has two components. The active component, known as CRC-A, has 91 personnel hired by the Department of State to support S/CRS in its mission. The standby component, known as CRC-S, has 620 members, and is composed of civilians from a number of different agencies who have skills that are needed to support reconstruction and stabilization efforts.¹⁰ The CRC is still being developed and is not fully staffed. The staffing

⁵ Testimony by Marilee Fitzgerald in a hearing entitled, *A Call to Arms: A Review of Benefits of Deployed Federal Employees*, before the Subcommittee on the Federal Workforce, Postal Service, and the District of Columbia, Committee on Oversight and Government Reform, U.S. House of Representatives, September 16, 2009, at pg. 3. Accessed on March 4, 2010, at <http://oversight.house.gov/images/stories/documents/20090917101154.pdf>.

⁶ Gordon England, *DoD Civilian Expeditionary Workforce*, Department of Defense Directive 1404.10, January 23, 2009, at pg. 2. Accessed on March 1, 2010, at <http://www.dtic.mil/whs/directives/corres/pdf/140410p.pdf>.

⁷ Ibid.

⁸ Information provided to the Subcommittee on Oversight of Government Management by the Department of Defense on April 2, 2010.

⁹ Information provided in a briefing to the Subcommittee on Oversight of Government Management by the Department of State on February 19, 2010.

¹⁰ Information provided in a briefing to the Subcommittee on Oversight of Government Management by the Department of State on March 22, 2010.

goals for active and standby components are 264 and 2000 personnel, respectively.¹¹ Members of both CRC components are drawn from a number of Federal agencies, including the Departments of State, Justice, Homeland Security, Treasury, Agriculture, Commerce, Health and Human Services, and the U.S. Agency for International Development.¹²

In December 2009, S/CRS had 18 employees deployed to Afghanistan and since 2007, 63 S/CRS and CRC staff have been deployed.¹³

Other Sources of Civilian Employees

Outside of DoD and State, civilians from a number of different agencies have been called upon to support the efforts in Afghanistan. Requests for these personnel typically start at a State Department post, such as the U.S. Embassy in Kabul, which has identified a staffing need.

A Department of State-specific request would be managed between the post and its Washington, D.C.-based regional bureau, with coordination from the Office of the Under Secretary of State for Management.¹⁴ Positions from other agencies to support a post's needs would commence with discussions between a current agency representative at post and the State Department Chief of Mission. If the agency headquarters agrees with the agency representative at post that there is adequate justification and funding available, it would begin the National Security Decision Directive (NSDD)-38 process to formally request COM concurrence to add the position. On other occasions, agency headquarters may request that another position be filled in country and then follow the NSDD-38 process.¹⁵

Pre-Deployment Training for Civilians Deployed to Afghanistan

Pre-deployment training for civilians going to Afghanistan is gaining more attention by key agencies. Generally, the State Department and DoD handle their training separately.

The Department of State's Foreign Service Institute (FSI) has a number of courses to prepare civilians for the rigors of Afghanistan. All civilians serving under Chief of Mission authority must complete a minimum standard training curriculum.¹⁶ This curriculum includes the *Foreign Affairs Counter Threat Course*, a five-day personal security course that builds participants' skills

¹¹ Testimony by John Herbst in a hearing entitled, *An Urgent Need: Coordinating Reconstruction and Stabilization in Contingency Operations PART II*, Commission Wartime Contracting on March 1, 2010. Accessed on April 8, 2010, at http://www.wartimecontracting.gov/docs/hearing2010-03-01_openingstatement-HerbstJohn.pdf.

¹² Ibid.

¹³ Information provided by the Department of State to the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia on January 5, 2010.

¹⁴ Information provided to the Subcommittee on Oversight of Government Management by the Department of State on March 26, 2010.

¹⁵ Ibid. The NSDD-38 process gives a Chief of Mission control of the size, composition, and mandate of the overseas full-time mission staffing for all U.S. Government agencies at a particular post.

¹⁶ Office of the Special Representative for Afghanistan and Pakistan, *Afghanistan and Pakistan Regional Stabilization Strategy*, February 2010, at pp 3-4. Accessed on April 5, 2010 at <http://www.state.gov/documents/organization/135728.pdf>.

in surveillance detection, emergency medical care, improvised explosive device awareness, and counterterrorist driving. Additionally, it includes the *Afghanistan Familiarization Course*, a five-day course that provides participants an overview of the political and military strategy in use in Afghanistan, a primer on Afghanistan history and culture, and basic language and behavioral skills for working with Afghans.¹⁷

Civilians working outside of Kabul and on civilian-military teams are required to complete additional training. The *Afghan Provincial Reconstruction Team (PRT) Orientation Course* is a required, five-day course for civilian employees who will serve under COM authority, as members of PRTs or other field assignments, or in U.S. Embassy positions that support field assignments. Among other topics, this course includes a focus on strategy in the provinces, development programs in Afghanistan, the role of international partners, and civil-military integration. The five-day *Interagency Civil-Military Field Training* course places civilians in a working environment similar to what they may face in Afghanistan. This includes practice with PRT activities, working with military personnel, and participating in exercises that involve role players and interpreters.¹⁸

FSI also offers additional reconstruction and stabilization training. Employees who will be participating in the Civilian Response Corps must complete the online training course *Introduction to Reconstruction and Stabilization*, which gives participants a basic background in interagency responses to reconstruction and stabilization and helps to build their basic familiarity with S/CRS. *Foundations of Interagency Reconstruction & Stabilization Operations* is a five-day course for CRC personnel focused on developing vital skills for working with interagency partners in support of reconstruction and stabilization.¹⁹

For employees from DoD's Civilian Expeditionary Workforce, the list of required courses includes initial orientation upon joining the CEW, annual refresher training, pre-deployment training, post-deployment reintegration, supervisory training, and family training. DoD has replaced Component-specific (e.g., U.S. Army) training with DoD joint training, which takes place on-line, in classrooms, and in field exercises. The most critical portion of the training takes place at Camp Atterbury Joint Maneuver Training Center and Muscatatuck Urban Training Center in Indiana. The curriculum for this 10-day training course shares similarities with the Department of State's *Interagency Civil-Military Field Training*, which is also conducted there. Pre-mobilization medical and dental physicals are carried out during this training, as well as a number of briefings to describe the financial, medical, and administrative issues related to overseas service.²⁰

In Theater Considerations for Federal Civilians Deployed to Afghanistan

¹⁷ Information provided to the Subcommittee on Oversight of Government Management by the Department of State on February 14, 2010.

¹⁸ Ibid. A PRT is composed of military and civilian members to establish secure environments in support of a province's development. Currently there are 26 PRTs operating in Afghanistan. More information about PRTs can be found at <http://afghanistan.usaid.gov/en/Page.PRT.aspx>.

¹⁹ Ibid.

²⁰ Information provided in a briefing to the Subcommittee on Oversight of Government Management by the Department of Defense on March 5, 2010.

The deployment of civilian employees to Afghanistan is one of the most extensive efforts of its kind in decades. Civilians will support missions in the field and partner with Afghans to build the capacity of their government institutions. According to the State Department, most civilians will be deployed for a minimum of one year and will work with an average of 10 Afghans and other partners. It is already clear that the civilian presence will continue after the return home of U.S. combat troops.²¹

According to the Afghanistan strategy, a number of the civilians' key roles in theater include:

- Initiatives to support agriculture and other economic development and education programs to increase jobs and reduce reliance on poppy cultivation;
- Initiatives to partner with Afghan officials to improve governance, service delivery, and accountability and reduce corruption;
- The increased use of U.S. Drug Enforcement Agency personnel to combat the Afghan narcotics trade; and
- Staffing Provincial Reconstruction Teams and District Support Teams.²²

It is unclear whether the U.S. Government is doing an adequate job of tracking U.S. civilian employees in Afghanistan. Agencies' ability to provide location-specific information on their employees can assist in the documentation of specific incidents and exposures related to their deployment. According to the Government Accountability Office (GAO), the agencies most involved in deploying civilians to Iraq and Afghanistan have not fully implemented policies and procedures to track them. At the time of GAO's review of this issue in 2009, the Department of Defense was furthest along among Federal agencies in developing policies and procedures to track civilians who have arrived in a theater of operation.²³

Compensation and Benefits for Federal Civilians Deployed to Afghanistan

Since the U.S. began to send civilian personnel to Afghanistan after the terrorist attacks of 9/11, compensation and medical benefits have generally improved. However, congressional and GAO reports have highlighted areas where more attention is warranted.

Compensation

Federal civilians are beginning to have more uniform access to opportunities to receive certain types of pay and benefits that may have previously been unavailable to them. GAO found that agencies generally provided similar types and rates of compensation in its 2009 review of compensation for deployed civilians, but compensation may vary based on a deployed

²¹ *Afghanistan and Pakistan Regional Stabilization Strategy*, at pg. 3

²² *Ibid.*, at pp. 3-18.

²³ U.S. Government Accountability Office, *Human Capital: Actions Needed to Better Track and Provide Timely and Accurate Compensation and Medical Benefits to Deployed Federal Civilians*, Report to the Subcommittee on Oversight and Investigations, Committee on Armed Services, U.S. House of Representatives, GAO-09-562, June 2009. Accessed on April 5, 2010, at <http://www.gao.gov/new.items/d09562.pdf>.

individual's pay system and how well an agency ensures that its deployed civilians get the pay to which they are entitled.²⁴ The most common types of compensation (and related flexibilities) available to civilians deployed to Afghanistan include:

- **Increased premium pay cap** (including overtime, Sunday pay, holiday pay, and night differential) and **waiver for aggregate limitation on pay received in a calendar year** of up to \$230,700 for employees in Iraq and Afghanistan;²⁵
- **Overtime pay** at up to 1.5 times an employee's actual hourly rate;
- **Night differential** paid at 10 percent of basic pay for work performed between the hours of 6 p.m. and 6 a.m.;
- **Sunday pay**, if regularly scheduled, paid at 25 percent of basic pay rate;
- **Holiday pay**, which can be paid for up to eight hours of work performed, paid at the rate of 100 percent of basic pay;
- **Danger pay** paid at 35 percent of basic pay;
- **Post hardship differential** paid at 35 percent of basic pay;
- **Language incentive pay** is paid by the State Department for its employees and may be provided by other agencies for their employees;
- **Per diem allowance** for meals and incidental expenses, with lodging generally provided;
- **Life insurance** coverage can be elected;
- **Death gratuity** provided under the Federal Employees Compensation Act (FECA);
- **Rest and recuperation breaks, regional rest breaks, home leave, compensation time, and travel** provided at U.S. Government expense;
- **Administrative leave** may be used in some cases instead of accrued leave; and
- **Restoration of annual leave** if forfeited.²⁶

Medical Benefits

Medical benefits for deployed civilians vary. While deployed to an area where hostilities exist, all civilians who are deployed in support of U.S. military forces or engaged in a contingency operation may be eligible to receive treatment at non-fixed medical treatment facilities (MTFs) run by DoD. Unlike DoD civilians who are entitled to treatment at MTFs,²⁷ non-DoD civilians are only eligible for medical care and treatment for "emergency/emergent medical conditions"

²⁴ Ibid., at pg. 12.

²⁵ The Fiscal Year 2010 National Defense Authorization Act (Public Law 111-84) gave agency heads the authority to waive the otherwise-applicable premium pay cap provisions and aggregate pay limitation in calendar year 2010. The limit on basic pay and premium pay allowed under the waiver authority is \$230,700 in calendar year 2010.

²⁶ A Congressional Research Service memorandum to the House Committee on Armed Services, Subcommittee on Oversight and Investigations, has a comprehensive list of benefits provided to Federal civilian employees in, or under, the Departments of State, Defense, and Energy serving in Iraq and Afghanistan. This memorandum was provided as Appendix F to a report entitled, *Deploying Federal Civilians to the Battlefield: Incentives, Benefits, and Medical Care*, U.S. House of Representatives, Committee on Armed Services, Subcommittee on Oversight and Investigations, HASC Committee Print No. 9, April 2008. Accessed on March 29, 2010, at <http://armedservices.house.gov/pdfs/Reports/CiviliansonBattlefieldReport.pdf>. See also GAO-09-562, at Appendix II.

²⁷ Gordon England, *DoD Civilian Expeditionary Workforce*, Department of Defense Directive 1404.10, January 23, 2009. Accessed on March 1, 2010, at <http://www.dtic.mil/whs/directives/corres/pdf/140410p.pdf>.

and routine care on a space-available basis. Further, non-DoD agencies are billed for the treatment their personnel receive at MTFs and any related patient movement services provided by DoD.²⁸ The Department of State also provides routine medical care at its health units for non-DoD civilians while deployed.²⁹

After deployment, all civilians can receive no-cost medical treatment for an injury or disease if a compensation claim has been approved by the Department of Labor's Office of Worker's Compensation Program (OWCP), under FECA. However, non-DoD civilians are provided care at MTFs in the U.S. only when specifically authorized after their return home. In 2007, DoD issued a policy that allowed the Under Secretary of Defense for Personnel and Readiness to approve MTF care for non-DoD civilians who were injured while deployed in support of U.S. contingency operations under "compelling circumstances."³⁰ This policy has apparently caused some confusion within DoD and other agencies as to civilians' eligibility.³¹

DoD requires pre- and post-deployment health assessments and reassessments to identify and mitigate health threats that may have been brought about by a deployment. Civilians must have in-person assessments during in theater medical out-processing or within 30 days after returning home, with a reassessment 90 to 180 days after their return date. Discussions about mental health issues and environment or occupational exposures that may be associated with deployments are to be included in these assessments.³²

All non-DoD personnel also are required to go through pre-deployment screening before their arrival in theater.³³ Along with handling pre-deployment screening, the Department of State's Office of Medical Services (MED) also handles post-deployment screening for non-DoD personnel who have served in combat zones. The end of tour screening consists of a medical and post traumatic stress disorder (PTSD) screening questionnaires. It also offers another screening at least once more several months later, to check for signs of PTSD. The State Department has opted to use its own medical clearance forms, which it believes are better tailored to civilian needs than those used by DoD.³⁴

Interagency Efforts to Address Compensation and Benefits for Deployed Civilians

²⁸ Deputy Under Secretary of Defense (Civilian Personnel Policy), *Report to Congress: Medical Care for Department of Defense and Non-Department of Defense Federal Civilians Injured or Wounded in Support of Contingency Operations*, January 2010, at pp. 18-19.

²⁹ Additional information about this requirement can be found in the Foreign Affairs Manual at 16 FAM 211. Accessed on April 9, 2010, at <http://www.state.gov/documents/organization/89692.pdf>.

³⁰ Memorandum from Gordon England, *Policy Guidance for Provision of Medical Care to Department of Defense Civilian Employees Injured or Wounded While Forward Deployed in Support of Hostilities*, September 24, 2007. Accessed on March 1, 2010, at <http://www.dtic.mil/whs/directives/corres/pdf/dsd070924medical.pdf>.

³¹ GAO-09-562, at pg. 23.

³² David C. Chu, *Deployment Health*, Department of Defense Instruction 6490.03, April 11, 2006. Accessed on March 1, 2010, at <http://www.dtic.mil/whs/directives/corres/pdf/649003p.pdf>.

³³ Additional information about this requirement can be found in the Foreign Affairs Manual at 16 FAM 212. Access on April 9, 2010, at <http://www.state.gov/documents/organization/89692.pdf>.

³⁴ Information provided to the Subcommittee on Oversight of Government Management by the Department of State on March 8, 2010.

Particularly in response to increased congressional interest, OPM has worked with other leading agency partners on providing better and more consistent pay and benefits for civilians deployed in support of overseas contingency operations.³⁵ OPM may take a number of additional steps, including: offering additional guidance, policies, and legislative proposals; continuing its collaboration with other agencies; providing guidance for a single contact point in each agency to assist employees on available compensation and benefits; and developing a web page on its website to provide information to agencies and employees.³⁶

Relevant Legislation

National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84) – Authorized a one-year extension to waive annual limitation on premium pay and aggregate limitation on pay for Federal civilian employees working overseas. Additionally, civilians deployed to Pakistan could also be extended allowances, benefits, and gratuities comparable to those provided to members of the Foreign Service.

Omnibus Appropriation Act, 2009 (Public Law 111-8) – Congress provided \$75 million in appropriated funds to the Civilian Stabilization Initiative, which funds the Civilian Response Corps active and standby components and administrative costs for S/CRS. Of this \$75 million, \$30 million was provided to the U.S. Agency for International Development. Funding transfer authorities and spending plan requirements are also specified in the event of the need to support an actively deployed CRC.

Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417) – Authorized the President to provide assistance for reconstruction and stabilization efforts, formally establish the Office of the Coordinator for Reconstruction and Stabilization, and create a Response Readiness Corps (later renamed the Civilian Response Corps) and a Civilian Reserve Corps. Additionally, certain benefits afforded to members of the Foreign Service were extended to personnel participating in reconstruction and stabilization activities at the discretion of their agency head, as well as a waiver of premium pay limitations.

National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) – Authorized a higher maximum limitation on premium pay through 2008 and a death gratuity of up to \$100,000 for employees serving with an Armed Force in a contingency operation.

Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234) – Authorized Federal agencies, at the discretion of the agency head, to provide allowances, benefits, and gratuities comparable to those

³⁵ Testimony by Jerome K. Mikowicz in a hearing entitled, *A Call to Arms: A Review of Benefits of Deployed Federal Employees*, before the Subcommittee on the Federal Workforce, Postal Service, and the District of Columbia, Committee on Oversight and Government Reform, U.S. House of Representatives, September 16, 2009. Accessed on March 4, 2010, at <http://oversight.house.gov/images/stories/documents/20090917101333.pdf>.

³⁶ Information provided in a briefing to the Subcommittee on Oversight of Government Management by the Office of Personnel Management on January 14, 2010.

provided to members of the Foreign Service for employees on official duty in Iraq or Afghanistan.

Additional Information

Office of the Special Representative for Afghanistan and Pakistan, *Afghanistan and Pakistan Regional Stabilization Strategy*, February 2010.

Serafino, Nina M., *Peacekeeping/Stabilization and Conflict Transitions: Background and Congressional Action on the Civilian Response/Reserve Corps and other Civilian Stabilization and Reconstruction Capabilities*, Congressional Research Service, July 23, 2009.

Subcommittee on Oversight and Investigations, Committee on Armed Services, U.S. House of Representatives, *Deploying Federal Civilians to the Battlefield: Incentives, Benefits, and Medical Care*, HASC Committee Print No. 9, April 2008.

Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, Committee on Homeland Security and Governmental Affairs, U.S. Senate, *A Domestic Crisis with Global Implications: Reviewing the Human Capital Crisis at the State Department*, S. Hrg. 110-684, July 16, 2008.

Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, Committee on Homeland Security and Governmental Affairs, U.S. Senate, *Building a Stronger Diplomatic Presence*, S. Hrg. 110-242, August 1, 2007.

U.S. Government Accountability Office, *Human Capital: Actions Needed to Better Track and Provide Timely and Accurate Compensation and Medical Benefits to Deployed Federal Civilians*, Report to the Subcommittee on Oversight and Investigations, Committee on Armed Services, U.S. House of Representatives, GAO-09-562, June 2009.

U.S. Government Accountability Office, *Human Capital: Improved Tracking and Additional Actions Needed to Ensure the Timely and Accurate Delivery of Compensation and Medical Benefits to Deployed Civilians*, Testimony before the Subcommittee on the Federal Workforce, Postal Service, and the District of Columbia, Committee on Oversight and Government Reform, Committee on Oversight and Government Reform, U.S. House of Representatives, GAO-09-1019T, August 2006.

U.S. Office of Personnel Management, *Consistent Compensation for Federal Civilians in Combat Zones*, Memorandum from Linda M. Springer, Director, to Chief Human Capital Officers, June 10, 2008.

U.S. Office of Personnel Management, *Recent Pay and Leave Legislative Changes*, Memorandum from John Berry, Director, to Heads of Executive Departments and Agencies, December 29, 2009.

**Post-Hearing Questions for the Record
Submitted to The Honorable John Berry
From Senator Daniel K. Akaka**

**“Deployed Federal Civilians: Advancing Security and Opportunity in Afghanistan”
April 14, 2010**

1. In the past, the circumstances under which non-Department of Defense (DOD) civilians would be eligible for care at military facilities following deployment has been unclear. I understand that on April 1, 2010, DOD sent a letter to agencies clarifying these policies.

- a. Do you believe that this letter adequately explains eligibility for this care?

Yes. In addition to the letter we received from DOD on April 1, 2010, the Department has provided additional information to employees (DOD and non-DOD) on its Web site – www.cpms.osd.mil/expeditionary. A copy of the April 1st letter is enclosed.

DOD’s Web site provides the policies related to medical care for non-DOD civilian employees during their time in theater and upon their return from the zone of armed conflict.

OPM has reviewed DOD’s Web site and policies and found them to be informative and accessible to the public. OPM has also posted a Web page with information for employees in combat zones - <http://www.opm.gov/combatzones/>.

On our Web page we have provided information regarding medical treatment for civilian employees and provide a link to DOD’s Web site that contains further information and guidance.

- b. Are any additional actions needed to facilitate non-DOD civilians’ access to military facilities when appropriate?

We have not been made directly aware of continuing problems with employees gaining access to DOD military treatment facilities. Thus, we are not aware of a need for additional actions at this time.

2. You testified that the Office of Personnel Management administers the premium pay ceiling and the aggregate compensation waivers.

- a. How many Federal civilians have already benefited from these waivers?

The authority to grant premium pay and aggregate pay cap waivers was originally enacted under section 1008 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109-13, May 11, 2005). Several subsequently enacted laws temporarily extended this waiver authority. The waiver authority that applies in calendar year 2010 was established by section 1106 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84, October 28, 2009), which amended section 1101 of the Duncan Hunter National Defense Authorization Act (NDAA) for Fiscal Year 2009 (Public Law 110-417).

Agencies are authorized to approve and administer premium pay and aggregate cap waivers under the NDAA authority without OPM approval. Agencies do not report to OPM the number of employees that have benefited from the waivers. Our current estimates show that approximately 6,100 Federal civilian employees are assigned to Iraq and Afghanistan. Not all of these employees are eligible for a waiver of the premium pay limitation and the aggregate pay limitation because they do not earn premium pay or have not earned compensation above the applicable limitations.

b. How many waivers do you expect to use this year?

As previously stated, OPM does not approve premium pay and aggregate pay cap waivers for employees under the NDAA authority. In addition, it is difficult to provide an estimate because the number of employees assigned to Iraq, Afghanistan, and other impacted geographic areas may vary through out the year and their work schedules and levels of compensation may vary.

**Questions for the Record Submitted to
Under Secretary Patrick Kennedy by
Senator Daniel K. Akaka (#1)
Senate Committee on Homeland Security and Governmental Affairs
April 14, 2010**

Question:

You testified that the State Department has put into place a post-deployment medical screening process.

- a. Are these post-deployment screenings required also for non-State Department Federal civilians who serve under a Chief of Mission's authority?
- b. If not, why not?
- c. If so, please provide the Subcommittee with the policy the State Department is using to direct that all of these civilians receive post-deployment screenings.

Answer:

As part of the Mission Afghanistan checkout procedures, all departing Chief of Mission (COM) employees, including non-State Department federal civilian employees, are required to complete a Posttraumatic Stress Disorder (PTSD) screening questionnaire and discuss PTSD warning signs with embassy medical staff. Primary Care Posttraumatic Stress Disorder screening (PC-PTSD) is administered in person at the Embassy Kabul health unit both on an employee's initial arrival in and final departure from Afghanistan. The PC-PTSD can also be administered via e-mail for any employee deployed to Afghanistan since 2002. In addition, the Department offers PC-PTSD screening at each of its health units around the world so that this screening tool can be available to employees for years after their deployment in a high stress assignment such as Afghanistan.

As announced via State Department cable (07 SECSTATE 56401), all employees returning from more than 90 days in Afghanistan are also mandated to attend the High Stress Assignment Outbrief Program (course number MQ950) at the Foreign Service Institute (FSI). For employees unable to attend a scheduled outbrief course, special arrangements are made to provide the outbrief on a one-to-one basis with the relevant Medical Services (MED) personnel and FSI instructors.

**Questions for the Record Submitted to
Under Secretary Patrick Kennedy by
Senator Daniel K. Akaka (#2)
Senate Committee on Homeland Security and Governmental Affairs
April 14, 2010**

Question:

According to information provided to this Subcommittee, some Federal civilians serving under a Chief of Mission's authority may not complete their required pre-deployment training.

- a. Under what sorts of circumstances would this arise?
- b. Would these civilians be provided any substitute training materials to prepare them for overseas service?

Answer:

As of October 1, 2009, all U.S. government employees under Chief of Mission (COM) authority and permanently assigned to or serving on temporary duty (TDY) in Afghanistan are required to complete certain mandatory training courses before traveling to Afghanistan. Exceptions to this requirement are very limited. The courses include:

- The Foreign Affairs Counter Threat course (course number OT610) is required for all U.S. government personnel under COM authority expected to spend 30 or more cumulative days in Afghanistan during a 365-day period. The course provides practical, hands-on training in surveillance detection, counter-terrorism driving, recognizing improvised explosive devices, weapons familiarization, and emergency medical training.
- The Afghanistan Familiarization course (course number RS415) is required for all U.S. government personnel under COM authority permanently assigned to Afghanistan or expected to spend 90 or more cumulative days on TDY in Afghanistan during a 365-day period. This course includes an overview of U.S. government political and military strategy in Afghanistan; the inter-relationship of diplomacy, defense and development in achieving strategic objectives; and Afghanistan's history, culture, and politics.
- The Provincial Reconstruction Team (PRT) Orientation course (course number AR421) is required for all COM personnel assigned to field assignments outside Kabul. The course covers topics such as U.S. government strategy; Afghanistan's national and provincial government structure; counterinsurgency; an introduction to development programs in Afghanistan; civil-military planning and integration; consequence management; economic development; negotiations; and other topics essential to the PRT mission.
- The Interagency Integrated Civilian-Military Training Exercise for Afghanistan course (course number RS510) is required for all COM personnel assigned to

field assignments outside Kabul. This course simulates the work environment on civilian-military platforms in Afghanistan and allows civilian employees to train for typical PRT and other civilian-military activities in concert with military colleagues.

Individual exemptions to these requirements are granted only if the employee can demonstrate he or she has prior experience comparable to the instruction for which an exemption is requested. All such requests are carefully considered on a case-by-case basis by Embassy Kabul and the Bureau of South and Central Asian Affairs. Exemptions to the Foreign Affairs Counter Threat course requirement are only granted by the Director General of the Human Resources. Exemptions for specific agencies that conduct their own training programs (e.g. the FBI) are granted only after Diplomatic Security evaluates the agency's training course and confirms it equals or exceeds the instruction provided by the Department. The Department does not provide substitute training materials for employees who do not take its courses because exceptions are granted only in cases where employees already possess the skills taught in Department courses.

**Questions for the Record Submitted to
Under Secretary Patrick Kennedy
Senator Daniel K. Akaka (#3)
Senate Committee on Homeland Security and Governmental Affairs
April 14, 2010**

Question:

Recent Civilian Response Corps (CRC) statistics reveal that more than half of its active and standby CRC members have not yet completed their training requirements.

- a. What has prevented these personnel from completing their training?**
- b. What is State's plan to address this?**

Answer:

As of April 14, 2010, 53% of the Civilian Response Corps Active component, (CRC-A), which are full-time, first responders, had completed their required 8 weeks of training and were certified as ready to deploy. New hires into the CRC-S are required to complete their readiness training within 90 days of on-boarding. We now have 100 of the total 264 Active members in place and are working aggressively to train them as soon as they come on board.

Of the 670 Standby component members of the Civilian Response Corps (CRC-S), 34% have completed the mandated 2 weeks of readiness training. Because members of the Standby have other full-time jobs in the federal government, their ability to complete the training within a fixed time frame is much more limited. Nonetheless, we continue to encourage Standby personnel to complete their training as soon as possible.

**Questions for the Record Submitted to
Under Secretary Patrick Kennedy
Senator Daniel K. Akaka (#4)
Senate Committee on Homeland Security and Governmental Affairs
April 14, 2010**

Question:

The U.S. is committed to supporting its overseas military operations and reconstruction and stabilization efforts with well-trained and dedicated Federal civilians. Ongoing training and exercises for these civilians will help ensure their readiness.

How is the State Department applying lessons learned from its past and current overseas civilian efforts to better prepare for future missions?

Answer:

The State Department has mechanisms for recognizing, capturing, and passing on lessons learned. The Foreign Service Institute (FSI) relies on reports from the field, and reconstruction and stabilization expertise and literature to inform their growing suite of courses. The Office of the Coordinator for Reconstruction and Stabilization (S/CRS) has studied, gained interagency approval, and built training, exercises, and career development pathways based on lesson learned to improve civilian reconstruction and stabilization capability. S/CRS, Bureau of Political-Military Affairs, and FSI regularly produce documents, such as the U.S. Government Counterinsurgency Guide, and courses, such as Whole-of-Government Planning, to capture and pass on lessons learned.

Regional bureaus, such as Near Eastern Affairs - Iraq, South Central Affairs - Afghanistan, and the Office of the Special Representative for Afghanistan/Pakistan, have worked with FSI, S/CRS, and other State and interagency partners over the past year to collect lessons learned from the field and incorporate them into various phases of pre-deployment training. Officials with in-country experience are also offering practical field perspectives to this training, sometimes with the assistance of host country role players.

Additionally, S/CRS and the Center for Complex Operations at National Defense University are capturing lessons learned from returning Provincial Reconstruction Team personnel to help inform US Government approach, strategy, and training.

**Questions for the Record Submitted to
Under Secretary Patrick Kennedy by
Senator Daniel K. Akaka (#5)
Senate Committee on Homeland Security and Governmental Affairs
April 14, 2010**

Question:

During the hearing, I asked what the State Department is doing to assess the cultural and language training that civilians need for their service in Afghanistan.

Please clarify your Department's process for assessing the cultural and language training requirements for personnel serving under a Chief of Mission's authority in Afghanistan.

Answer:

In June 2010, the Department completed an evaluation of each Department of State position in Afghanistan that included a review of whether and at what level the position should be language designated to be most effective. The position evaluations were approved by the Bureau of South and Central Asian Affairs and the Director General of the Foreign Service. Other agencies under Chief of Mission (COM) authority make their own determinations as to language proficiency needs.

Regarding Afghan cultural training, all personnel under COM Authority are required to attend the Afghan Familiarization course (course number RS415), a significant portion of which is dedicated to Afghan culture. Those working at locations outside of Kabul are also required to take the Provincial Reconstruction Team (PRT) Orientation (course number AR421) and Interagency Integrated Civilian-Military Training Exercise for Afghanistan (course number RS510) courses, which dedicate a significant portion of the coursework to Afghan culture and cultural awareness. Additionally, employees in language training receive weekly area study classes that cover key historical, political, economic, socio-cultural, and U.S. policy issues.

**Questions for the Record Submitted to
Under Secretary Patrick Kennedy
Senator Daniel K. Akaka (#6)
Senate Committee on Homeland Security and Governmental Affairs
April 14, 2010**

Question:

As of the beginning of April, there were over 12,000 capabilities-based volunteers in the Department of Defense's (DOD's) database, including over 3,000 from DOD, over 8,000 from the private sector, and almost 600 from other Federal agencies. It appears that Federal civilians have opted to sign up to support DOD while leaving spots supporting the CRC unfilled.

- a. Has the State Department discussed this issue with DOD?
- b. What specific plan has the State Department put in place to meet its Fiscal Year 2010 goals for staffing the CRC from all participating agencies?

Answer:

The Civilian Response Corps (CRC) continues to attract highly qualified candidates for its advertised positions in the Active component and we are on target to meet our goals of 200 Active and 1000 Standby members on board by the end of calendar year 2010. However, hiring and recruiting CRC-A members is hampered by the competitive hiring process which can add months to the hiring process. This is why the President requested flexible hiring authority for the CRC as part of his Fiscal Year 2011 budget request for the Civilian Stabilization Initiative.

The work of the CRC is very different from that performed by DOD civilians. CRC members deployed to the field work under Chief of Mission authority in support of US Government efforts to prevent and respond to conflict, while Department of Defense (DOD) civilians are recruited to relieve military personnel from administrative functions in the areas of procurement, financial management, human resources and the like, so they can focus on war fighting. We have a very close and complimentary working relationship with DOD, which continues to be very supportive of the CRC.

**Questions for the Record Submitted to
Under Secretary Patrick Kennedy
Senator Daniel K. Akaka (#7)
Senate Committee on Homeland Security and Governmental Affairs
April 14, 2010**

Question:

During the hearing, I asked if Federal civilians of Afghan descent were involved in the Afghanistan reconstruction and stabilization efforts.

How many civilians of Afghan descent has the State Department deployed to Afghanistan?

Answer:

The Department does not track the national or ethnic backgrounds of employees assigned to Afghanistan. It does, however, maintain a record of employees' language abilities and encourage native or near-native fluency level Pashto and Dari speakers to utilize their language skills through positions in Afghanistan.

**Questions for the Record Submitted to
Under Secretary Patrick Kennedy by
Senator Daniel K. Akaka (#8)
Senate Committee on Homeland Security and Governmental Affairs
April 14, 2010**

Question:

The State Department's Afghanistan and Pakistan Regional Stabilization Strategy calls for creating a cadre of civilian experts on Afghanistan and Pakistan with personnel who have completed tours in those countries.

Could you please comment on how the Department will assemble and sustain this group of experts?

Answer:

The Department is developing various strategies to provide continuity and retain expertise in the areas of Afghanistan and Pakistan. Among the strategies under discussion are developing an 18-month tour program that would provide additional benefits to those agreeing to serve an additional six months in Afghanistan, and coupling service in Afghanistan with follow-on assignments in the Department or at the Foreign Service Institute (FSI) that utilize subject matter expertise obtained during the employee's tour in Afghanistan.

**Post-Hearing Questions for the Record
Submitted to The Honorable Clifford Stanley
From Senator Daniel K. Akaka**

**“Deployed Federal Civilians: Advancing Security and Opportunity in Afghanistan”
April 14, 2010**

1. During the hearing, I asked if Federal civilians of Afghan descent were involved in the Afghanistan reconstruction and stabilization efforts.

How many civilians of Afghan descent has the Department of Defense (DOD) deployed to Afghanistan?

A: The Department did not track civilians by ethnicity, therefore we do not know how many deployed civilians are of Afghan descent. However, we have initiated a targeted recruitment effort to reach out to colleges, universities, non-profit and think tanks. Due to this effort, we are currently evaluating and processing five civilians of Afghan descent for deployment to Afghanistan.

In addition, at the request of the CENTCOM Combatant Commander, the Department is developing an employment program for Afghan nationals to work in support of the U.S. Forces in Afghanistan. This initiative will involve the direct hire of Afghan nationals into Department of Defense civilian positions.

2. Under the legislative proposal to provide more consistent benefits and compensation to deployed Federal civilians, the Secretary of State, in coordination with the Secretary of Defense, could designate an area where there are exceptional levels of armed violence as a “zone of armed conflict.” This would trigger the availability of certain pay and benefits to employees.

- a. Which areas do you anticipate would be designated as zones of armed conflict

A: DoD is working with the State Department to review how the new legislation would change the current designated zones of armed conflict.

- b. How severe would armed violence have to be to warrant this designation?

A: The threshold of violence has to be particularly high and sustained for DoD and State Department to designate an areas as a Zone of Armed Conflict. As of today, only two countries have received this designation – Iraq and Afghanistan. Under the new legislation, we will use the following criteria:

- Whether the Armed Forces of the United States are involved in hostilities in the country or area;
 - Whether the incidence of civil insurrection, civil war, terrorism, or wartime conditions threatens physical harm or imminent danger to the health or well-being of United States civilian employees in the country or area;
 - Whether the country or area has been designated a combat zone by the President under section 112(c) of the Internal Revenue Code of 1986 (26 U.S.C. 112(c));
 - Whether a contingency operation involving combat operations directly affects civilian employees in the country or area.
3. DOD has identified some requirements for post-deployment health assessments. I understand that a unit deployment manager is responsible for notifying deployed civilians when they are due to complete their post-deployment health reassessment.

How are these managers ensuring that all DOD civilians complete this reassessment?

A: The Deployment managers ensure that all DoD civilians complete their reassessment by using an electronic tracking mechanism to produce post-deployment health assessment and post-deployment health reassessment forms for each returning civilian. The CEW, which is an OSD organization, uses the information to contact returning civilians and to follow-up with their supervisors to ensure compliance DoD-wide.

4. The 2010 DOD report to Congress on medical care available to deployed civilians states that the Department is supporting a Presidential memorandum directing all agencies that deploy civilians to a conflict zone to establish an ombudsman and Federal Employees' Compensation Act advisory programs.

What is the status of this memorandum?

A: The Department has taken the lead in developing the Presidential Memorandum, and is near the final draft stage. The current draft is with OPM for coordination.

5. You testified that DOD has had problems with civilians not swiping their identification cards when coming into theater and that the Department is in the process of transitioning to an automated tracking system.
- a. How will the new system that is under development track all Federal civilians deployed under DOD's purview?

A: The DoD system under development will track all deployed civilians by utilizing a card swiping technologies to capture once daily accurate location of each deployed member/civilian using their Common Access Card (CAC). The data will be reconciled and reported on a daily basis. This will improve the accuracy and visibility of DoD civilians in the theater of operations.

b. What is the Department's plan to transition to this new system?

A: The Department plan for transitioning to the improved tracking system is to modify the existing Joint Personnel Accounting Reconciliation and Reporting System (JPARR) to include records on DoD Civilian personnel. This system will capture data from the OSD and Services personnel system to accurately capture the status of all deployed civilian personnel.

6. In the hearing, I asked what DOD is doing to assess the cultural and language training that civilians need for their service in Afghanistan.

Please clarify your Department's process for assessing the cultural and language training requirements for personnel serving in Afghanistan.

A: The Department does not currently have a standardized process for assessing the cultural and language training requirements for personnel serving in Afghanistan. The training requirements are assessed at the unit level and vary widely between Services.

7. According to materials that DOD provided to this Subcommittee, the Department is in the process of activating the capabilities-based Federal employee volunteer corps, with full activation expected by October 2010.

What challenges does the Department face in setting up this volunteer corps?

A: The Department is experiencing challenges with outreach, recruitment and matching of volunteers with need. The Capability-Based Former Employee Volunteer Corps (CBFEVC) will be sourced with former (including retired) DoD Civilian employees that may be interested in returning to Federal service as a time-limited employee to serve expeditionary requirements or who can backfill for those serving in other expeditionary requirements.

